

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 31, 2003 AT 5:30 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**

MCROY Having been appointed to read the minutes of the City Council proceedings of March 24, 2003, reported having done so, found same correct.

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

**PUBLIC HEARING**

MANAGER APPLICATION OF JARED J. BECKMANN FOR GMRI, INC. DBA "OLIVE GARDEN ITALIAN RESTAURANT #1432" AT 6100 O STREET - Jared Beckman, 861 S 46<sup>th</sup> Street, Apt. #1, took oath and came forward to answer any questions. This matter was taken under advisement.

APPLICATION OF LINCOLN HOLDINGS LTD. DBA "OSOBURRITO" FOR A CLASS "C" LIQUOR LICENSE AT 1451 O STREET, SUITE 103;  
MANAGER APPLICATION OF NADER SEPAHPUR FOR LINCOLN HOLDINGS LTD. DBA "OSOBURRITO" AT 1451 O STREET, SUITE 103 - Nader Sepahpur, 3245 W. Summit, took oath and came forward to answer any questions. This matter was taken under advisement.

APPLICATION OF WILDERNESS RIDGE, L.L.C. DBA "WILDERNESS RIDGE GOLF COURSE" FOR AN ADDITION TO THEIR CLASS C/K LIQUOR LICENSE OF A TWO-STORY CLUBHOUSE MEASURING APPROXIMATELY 182 X 222, INCLUDING LOWER LEVEL AREA, LOWER LEVEL PATIO AREA AND WRAP AROUND DECK OFF THE MAIN FLOOR AT 1800 WILDERNESS WOODS PLACE - DaNay Kalkowski, 1111 Lincoln Mall, Ste. 350, took oath and came forward to answer any questions representing Wilderness Ridge LLC. This matter was taken under advisement.

CREATING PAVING DIST. 2626 IN W. SOUTH ST., S.W. 23RD ST. TO S.W. 27TH ST., S.W. 27TH ST. FROM W. SOUTH ST. TO W. A ST. & ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - Doug Hansen, Facilities Engineering Manager of the Department of Corrections, came forward in opposition. A letter was submitted. He asked what the process was to create a paving district. Elmer Cole, Engineering Services, stated that a majority of the frontage per foot based on your frontages along SW 27<sup>th</sup> Street and SW South Street is required before the district is ordered constructed. If you're not in favor of it don't sign the petition. Mike Sibbersen, 701 NW 27<sup>th</sup> Street, representing Commercial Contractors Equipment Inc. came forward in opposition. This matter was taken under advisement.

CREATING RE-PAVING DIST. 156 IN S. CODDINGTON AVE., W. O ST. SOUTH APPROX. 1200 FEET & ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - Richard Parker, 315 SW 20<sup>th</sup> Street, came forward representing storage buildings which has 100 foot frontage of this street came forward in opposition. Discussion followed. This matter was taken under advisement.

CREATING GRADING DIST. 151 IN THE EAST/WEST ALLEY, N. 69TH TO N. 70TH STS., X ST. TO Y ST., & ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY;  
CREATING GRAVELING DIST. 340 IN THE EAST/WEST ALLEY, N. 69TH TO N. 70TH ST., X ST. TO Y ST., & ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - Darrell DeBrie, 6926 X Street, came forward and stated he was the one requesting the graveling district. He did not understand why it was going to cost so much. Elmer Cole, Engineering Services, explained that the grading was necessary to keep the water off the property and the cost of the gravel

is from the bid accepted. These assessments are over a three year period.

William Todd, 4811 12<sup>th</sup> Street, Union, Nebraska, owner of property at 6945 Y Street came forward in opposition.

Craig Groat, 4935 Huntington Avenue, stated that the use of limestone rock is too messy & dusty and feels the City should use something else.

This matter was taken under advisement.

RENAMING S. 30TH ST. BETWEEN O'HANLON DR. & GRAINGER PARKWAY AS "LAYTONJOHN LANE" - DaNay Kalkowski, 1111 Lincoln Mall, Ste. 350, representing Southview Inc and Ridge Development Company came forward to answer any questions.

Glenn Friendt, Council Member, asked why the name change.

Ms. Kalkowski it is not a street that continues to go north. It's a short street. Planning Department requested that the name be changed.

Ray Hill, Planning Department, stated that the addresses of the homes didn't match up with 30<sup>th</sup> Street. They felt it would be best to have a name and not a number.

Jonathan Cook, Council Member, asked where the name came from.

Ms. Kalkowski stated it came from one of her clients.

This matter was taken under advisement.

AMENDING CHAPTER 9.24 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY PERSON CONVICTED OF VIOLATING SPECIFIED STATE AND LOCAL THEFT OFFENSES TWICE WITHIN TEN YEARS TO PAWN OR SELL ANY PROPERTY TO A PAWNBROKER OR SECOND-HAND JEWELRY DEALER WITHIN THE CITY OF LINCOLN - Tom Casady, Lincoln Chief of Police, came forward to explain the purpose for this ordinance was to make it more difficult for those selling stolen property for a profit. Further discussion followed.

Bob McDowell, 139 S. 9<sup>th</sup> Street, owner of A-1 Pawnshop, came forward in support of.

Benjamin Kushner, owner of Royal Pawnshop, 118 S. 9<sup>th</sup> Street, came forward in favor of the ordinance, but thinks it should be 3 convictions within 5 years instead of the 2 within 10.

Larry Moore, 106 S. 21<sup>st</sup> Street, Mr. Money USA, questioned that this may infringe on the rights of some of his customers. He came in opposition. Discussion followed.

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

Craig Groat, 4935 Huntington Avenue, came forward to state this needs to be addressed from the side of the pawnbroker and the side of the criminal. Discussion followed.

Jon Camp, Council Member, asked Chief Casady what he thought of alternative numbers of incidents within a 5 or 10 year period that might be more appropriate.

Chief Casady stated he would be willing to look at a shorter time period for a couple convictions. He does not want to go to felony convictions only since most of the problems come from those who have many misdemeanor convictions for theft offenses.

Annette McRoy, Council Member, asked if this ordinance would infringe on the constitutional rights of people?

Rick Peo, Assistant City Attorney, answered that he would have to research that question before giving an answer.

This matter was taken under advisement.

AMENDING CHAPTER 9.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO WEAPONS TO MAKE IT UNLAWFUL FOR ANY PERSON TO POSSESS A FIREARM WITHIN THE CORPORATE LIMITS OR ON ANY PROPERTY OF THE CITY OF LINCOLN OUTSIDE THE CORPORATE LIMITS WHEN THAT PERSON HAS BEEN CONVICTED OF VIOLATING SPECIFIED STATE AND LOCAL OFFENSES WITHIN TEN YEARS; TO MAKE IT UNLAWFUL FOR ANY PERSON TO KEEP A FIREARM IN AN UNATTENDED MOTOR VEHICLE; AND TO PROVIDE A DEFINITION FOR THE TERM "FIREARM" - Chief Tom Casady stated this ordinance is to try to eliminate people storing guns in their cars and when the cars are broken into the guns are stolen. Several semi-automatic pistols have been stolen out of cars within the past year as well as rifles, shotguns, and a 223 caliber assault rifle. This ordinance is, also, to make it unlawful in the City of Lincoln for those convicted of a high grade misdemeanor to possess a firearm within a 10 year period. Discussion followed.

Craig Groat, 4935 Huntington Avenue, came forward in support of this ordinance. He presented his testimony to the Legislature on LB65 for the record.

Leslie Ianno, 4541 Elk Ridge Rd., representing the Family Violence

Council for Lancaster County and speaking on behalf of Bob Moyer the Director of the Family Violence Council came forward in support of the ordinance.

Bob Van Valkenburg, 7921 Reno Rd. came forward in opposition to the ordinance. Further discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MARCH 1 - 15, 2003 - Bob Van Valkenburg, 7921 Reno Rd. came forward to ask what some of the claims are for and why these weren't on the web site.

This matter was taken under advisement.

APPOINTING NORMAN H. AGENA TO THE GOVERNMENT ACCESS & INFORMATION COMMITTEE TO FILL AN UNEXPIRED TERM EXPIRING JANUARY 1, 2004 - Bob Van Valkenburg, 7921 Reno Rd. came forward in opposition to this appointment.

This matter was taken under advisement.

A RESOLUTION IN SUPPORT OF PLACING A HIGH PRIORITY ON MAINTAINING ADEQUATE FUNDING FOR THE UNIVERSITY OF NEBRASKA - Bob Van Valkenburg, 7921 Reno Rd. came forward in opposition to this resolution.

Craig Groat, 4935 Huntington Avenue, came forward to state that the undergraduate students are a big asset to the business community. He was in favor of the resolution. Discussion followed.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Bob Van Valkenburg, 7921 Reno Rd., came forward to suggest a resolution be drafted to thank Annette McRoy for her service to our country. She served in the military for 8 years of which 6 years were active duty and 2 years were in the Reserves. She also served in Desert Storm.

Craig Groat, 4935 Huntington Street, came forward to read information about the City Council/City Manager form of government.

This matter was taken under advisement.

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

### COUNCIL ACTION

#### LIQUOR RESOLUTIONS

MANAGER APPLICATION OF JARED J. BECKMANN FOR GMRI, INC. DBA "OLIVE GARDEN ITALIAN RESTAURANT #1432" AT 6100 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82014 WHEREAS, GMRI, Inc. dba "Olive Garden Italian Restaurant #1432" located at 6100 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jared J. Beckmann be named manager;

WHEREAS, Jared J. Beckmann 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 Jared J. Beckmann 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 Seng & carried by the following vote: AYES: Camp,

Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPLICATION OF LINCOLN HOLDINGS LTD. DBA "OSOBURRITO" FOR A CLASS "C" LIQUOR LICENSE AT 1451 O STREET, SUITE 103 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82015 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 the application of Lincoln Holdings Ltd. dba "Osoburrito" for a Class "C" liquor license at 1451 O Street, Suite 103, Lincoln, Nebraska, for the license period ending October 31, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

MANAGER APPLICATION OF NADER SEPAHPUR FOR LINCOLN HOLDINGS LTD. DBA "OSOBURRITO" AT 1451 O STREET, SUITE 103 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82016 WHEREAS, Lincoln Holdings Ltd. dba "Osoburrito" located at 1451 O Street, Suite 103, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Nader Sepahpur be named manager;

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

APPLICATION OF WILDERNESS RIDGE, L.L.C. DBA "WILDERNESS RIDGE GOLF COURSE" FOR AN ADDITION TO THEIR CLASS C/K LIQUOR LICENSE OF A TWO-STORY CLUBHOUSE MEASURING APPROXIMATELY 182 X 222, INCLUDING LOWER LEVEL AREA, LOWER LEVEL PATIO AREA AND WRAP AROUND DECK OFF THE MAIN FLOOR AT 1800 WILDERNESS WOODS PLACE - PRIOR to reading:

SENG Moved to amend the application of Wilderness Ridge Golf Course liquor license on page 1, line 5, by striking the words "an area measuring" and insert the words the entire two story clubhouse measuring approximately.

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

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-82017 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 the application of Wilderness Ridge, L.L.C. dba "Wilderness Ridge Golf Course" to expand its licensed premises by the addition of an area measuring 182 feet by 222 feet, including the lower level area, lower level patio area, and wrap around deck off the main floor of the presently licensed premises located at 1800 Wilderness Woods Place, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Annette McRoy

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

ORDINANCES - 2ND READING

CREATING PAVING DIST. 2626 IN W. SOUTH ST., S.W. 23RD ST. TO S.W. 27TH ST., S.W. 27TH ST. FROM W. SOUTH ST. TO W. A ST. & ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read the following ordinance, introduced by Terry Werner, creating paving district 2626 in W. S. St., S.W. 23<sup>RD</sup> St. to S.W. 27<sup>th</sup> St., S.W. 27<sup>th</sup> St. from W. S. St. to W. A St. & assessing the costs thereof against the benefitted property, the second time.

CREATING RE-PAVING DIST. 156 IN S. CODDINGTON AVE., W. O ST. SOUTH APPROX. 1200 FEET & ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read the following ordinance, introduced by Terry Werner, creating re-paving dist. 156 in S. Coddington Ave., W. O St. south approx. 1200 feet and assessing the costs thereof against the benefitted property, the second time.

CREATING GRADING DIST. 151 IN THE EAST/WEST ALLEY, N. 69TH TO N. 70TH STS., X ST. TO Y ST., & ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read the following ordinance, introduced by Terry Werner, creating grading dist. 151 in the east/west alley, N. 69<sup>th</sup> to N. 70<sup>th</sup> Sts., X St to Y St., & assessing the costs thereof against the benefitted property, the second time.

CREATING GRAVELING DIST. 340 IN THE EAST/WEST ALLEY, N. 69TH TO N. 70TH ST., X ST. TO Y ST., & ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read the following ordinance, introduced by Terry Werner, creating graveling dist. 340 in the east/west alley, N. 69<sup>th</sup> to N. 70<sup>th</sup> St., X St. to Y St., & assessing the costs thereof against the benefitted property, the second time.

RENAMING S. 30TH ST. BETWEEN O'HANLON DR. & GRAINGER PARKWAY AS "LAYTONJOHN LANE." - CLERK read the following ordinance, introduced by Terry Werner, renaming S. 30<sup>th</sup> St. between O'Hanlon Dr. & Grainger Parkway as "LaytonJohn Lane", the second time.

APPROVING A THREE-YEAR/5,000 HOUR LEASE AGREEMENT BETWEEN THE CITY & ELGIN SWEEPER COMPANY TO PROVIDE A FOUR-WHEELED STREET SWEEPER FOR SWEEPING OF RESIDENTIAL & ARTERIAL STREETS - CLERK read the following ordinance, introduced by Terry Werner, approving a three-year/5,000 hour lease agreement between the City and Elgin Sweeper Company to provide a four-wheeled street sweeper for sweeping of residential and arterial streets, the second time.

AMENDING CHAPTER 9.24 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY PERSON CONVICTED OF VIOLATING SPECIFIED STATE AND LOCAL THEFT OFFENSES TWICE WITHIN TEN YEARS TO PAWN OR SELL ANY PROPERTY TO A PAWNBROKER OR SECOND-HAND JEWELRY DEALER WITHIN THE CITY OF LINCOLN - CLERK read the following ordinance, introduced by Terry Werner, amending Chapter 9.24 of the Lincoln Municipal Code to provide that it shall be unlawful for any person convicted of violating specified state and local theft offenses twice within ten years to pawn or sell any property to a pawnbroker or second-hand jewelry dealer within the City of Lincoln, the second time.

AMENDING CHAPTER 9.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO WEAPONS TO MAKE IT UNLAWFUL FOR ANY PERSON TO POSSESS A FIREARM WITHIN THE CORPORATE LIMITS OR ON ANY PROPERTY OF THE CITY OF LINCOLN OUTSIDE THE CORPORATE LIMITS WHEN THAT PERSON HAS BEEN CONVICTED OF VIOLATING SPECIFIED STATE AND LOCAL OFFENSES WITHIN TEN YEARS; TO MAKE IT UNLAWFUL FOR ANY PERSON TO KEEP A FIREARM IN AN UNATTENDED MOTOR VEHICLE; AND TO PROVIDE A DEFINITION FOR THE TERM "FIREARM" - CLERK read the following ordinance, introduced by Terry Werner, amending Chapter 9.36 of the Lincoln Municipal Code relating to weapons to make it unlawful for any person to possess a firearm within the corporate limits or on any

property of the City of Lincoln outside the corporate limits when that person has been convicted of violating specified state and local offenses within ten years; to make it unlawful for any person to keep a firearm in an unattended motor vehicle; and to provide a definition for the term "firearm", the second time.

#### RESOLUTIONS

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MARCH 1 - 15, 2003 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82018 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 March 17, 2003, 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>	
Joseph & Deb Schwartztrauber		State Farm Insurance Co.	
on behalf of minor daughter,		(Mitchell & Leslie Janssen, Insureds)	\$ 625.00
Katherine Schwartztrauber	\$16,498.05	Continental Western Group	
State Farm Insurance Co.		(Kim R. & Vicky L. Wheeler, Insureds)	1,190.00
(Bryan Brandenburgh, Insured)	3,027.33	John M. Ahmann	620.00
K. Ross Metalf	NAS*	Linette Smith	2,500.00
Vicki L. Piening	1,098.88	Jim Thompson	10.00
Roberta Gabel	NAS*	Gail P. Frasier	19,000.00
Kirk Heimes	NAS*	Jacen Roper	1,500.00
Jeff Bredthauer	NAS*		
Lloyd F. Benal	379.61		
Dianne Nolde	NAS*		
Larry & Kathy Wichtendahl	NAS*		
Jeremy & Heather Reis	48.15		
Jennifer Severe-Oforah	48.15		
Brandon James Panasiuk	282.24		

\* 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 Jon Camp

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

REAPPOINTING DENNIS BIGGERSTAFF TO THE HEATING, VENTILATING & COOLING EXAMINERS BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 4, 2006 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82019 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dennis Biggerstaff to the Heating, Ventilating and Cooling Examiners Board for a three-year term expiring April 4, 2006 is hereby approved.

Introduced by Jon Camp

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

APPOINTING NORMAN H. AGENA TO THE GOVERNMENT ACCESS & INFORMATION COMMITTEE TO FILL AN UNEXPIRED TERM EXPIRING JANUARY 1, 2004 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82020 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Norman H. Agena to the Government Access and Information Committee to fill an unexpired term expiring January 1, 2004 is hereby approved.

Introduced by Jon Camp

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

A RESOLUTION IN SUPPORT OF PLACING A HIGH PRIORITY ON MAINTAINING ADEQUATE

FUNDING FOR THE UNIVERSITY OF NEBRASKA - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82021 WHEREAS, a strong University of Nebraska-Lincoln is essential to attracting and retaining a skilled and educated workforce, which is needed for the future prosperity of Lincoln; and

WHEREAS, the University of Nebraska-Lincoln is one of the largest employers in the City of Lincoln with more than 2,500 staff and faculty, most of whom are taxpayers and property owners in our community; and

WHEREAS, the University of Nebraska-Lincoln has an annual payroll of \$187 million in the Lincoln area; and is a significant part of the local economy; and

WHEREAS, the University of Nebraska-Lincoln is a key player in keeping young people in Nebraska to become tomorrow's leaders; and

WHEREAS, the University of Nebraska-Lincoln provides important assistance to businesses and government through technology transfer, student internships, and faculty expertise; and

WHEREAS, the City of Lincoln and the University of Nebraska-Lincoln are committed to a continuing partnership with the business community to maximize the opportunities for economic development in Lincoln and throughout the State of Nebraska; and

WHEREAS, the University of Nebraska-Lincoln, as the State's only major research university, develops new knowledge and innovative applications of technologies that help ensure Nebraska's competitiveness in the global marketplace; and

WHEREAS, of the proposed \$41 million budget reduction for the University of Nebraska, the Lincoln campus will incur its proportional share which will mean \$21 million on top of the \$16 million already cut last year, resulting in severe cuts to academic programs and services, as well as loss of employment for faculty and staff; and

WHEREAS, the University of Nebraska has been subjected to repeated substantial budget reductions and the magnitude of these budget reductions will reverse the strides the University of Nebraska has made and recovery from them will take many years, perhaps decades;

NOW, THEREFORE, BE IT RESOLVED that the Lincoln City Council calls upon the Governor and the Legislature to place a high priority on maintaining adequate funding for the University of Nebraska and asks the Governor and Legislature to lessen the budget reductions identified for the University of Nebraska and fund the University to the highest possible level to sustain the research, education and economic contributions of the University of Nebraska to the citizens of Lincoln and the State of Nebraska.

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, APRIL 14, 2003 AT 1:30 P.M FOR APP. OF VIVIANA GRASSI-LARSEN DBA "SURTANGO BAR & CAFÉ" FOR AN UPGRADE FROM CLASS "I" LIQUOR LICENSE TO CLASS "C" LIQUOR LICENSE AT 1228 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82022 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 14, 2003, at 1:30 p.m or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the App. of Viviana Grassi-Larsen dba Sur Tango Bar & Café for an upgrade from Class "I" liquor license to Class "C" liquor license at 1228 P Street.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, APRIL 14, 2003 AT 1:30 P.M. FOR APP. OF JAN-AL, INC. DBA "SIMPLY PARADISE SOCIAL HALL" FOR A CLASS "I" LIQUOR LICENSE AT 3235 N. 35<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82023 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 14, 2003, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the App. of Jan-Al Inc. dba "Simply Paradise Social Hall" for a Class "I" liquor license at 3235 N. 35<sup>th</sup> Street.

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

Introduced by Jon Camp

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

**PETITIONS & COMMUNICATIONS**

PETITION TO VACATE PUBLIC WAY FROM S.W. 13<sup>TH</sup> STREET, SOUTH FROM WEST "O" STREET TO THE NORTH LOT LINE OF LOT 41, I.T. SUBMITTED BY ROBERT D. HAMPTON, LINCOLN NORTH CREEK, L.L.C. - CLERK presented said petition which was referred to the Law Dept.

**REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON MARCH 24, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED FEBRUARY, 2003 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82024 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended February 28, 2003, \$142,073.88 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata 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 Jon Camp

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAXES FOR FEBRUARY, 2003: AFFINITY NETWORK, TRI-M, LIGHTYEAR, GLOBALCOM, ZONE TELECOM., COMDATA, ASSOCIATION ADM., GTC TELECOM., LDMI, GLYPHICS, NOS, NOSVA, D & D, WWC LICENSE LLC DBA CELLULAR ONE, NEXTEL WEST CORP. ALLTEL NEBRASKA, INC., ALLTEL SYSTEMS OF THE MIDWEST, SPRINT SPECTRUM - CLERK presented said report which was placed on file in the Office of the City Clerk.

**ORDINANCES - 1<sup>ST</sup> READING**

APPROVING A CONTRACT BETWEEN THE CITY AND THE LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA FROM MAY 3, 2003, THROUGH OCTOBER 25, 2003 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area from May 3, 2003 through October 25, 2003, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

APPROVING A CONTRACT BETWEEN THE CITY AND THE DOWNTOWN LINCOLN ASSOCIATION TO OPERATE AND REGULATE A TUESDAY OPEN-AIR MARKET IN THE AREA OF 12TH STREET FROM Q TO R STREETS AND R STREET FROM 12TH TO 13TH STREETS FROM JUNE 3, 2003 THROUGH JUNE 24, 2003 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Contract between the City of Lincoln, Nebraska and Downtown Lincoln Association for establishment and regulation of a Tuesday public market in the area of 12<sup>th</sup> Street from Q to R Streets and R Street from 12<sup>th</sup> to 13<sup>th</sup> Streets from June 3, 2003 through June 24, 2003, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

CHANGE OF ZONE 3397 - APPLICATION OF THE NEAR SOUTH NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 24TH STREET TO S. 26TH STREET, FROM SOUTH STREET TO SUMNER STREET, CONSISTING OF APPROXIMATELY NINE BLOCKS IN THE FRANKLIN HEIGHTS LOCAL LANDMARK DISTRICT - Clerk read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

AMENDING TITLE 6 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMALS TO SET MINIMUM PENALTIES FOR VIOLATIONS OF RABIES VACCINATION REQUIREMENTS FOR DOGS; TO INCREASE LICENSE FEES FOR DOGS; TO INCREASE REGISTRATION FEES FOR DANGEROUS AND POTENTIALLY DANGEROUS DOGS; TO SET MINIMUM PENALTIES FOR VIOLATIONS OF RABIES

VACCINATION REQUIREMENTS FOR CATS; AND TO INCREASE LICENSE FEES FOR CATS - Clerk read an ordinance, introduced by Jon Camp, amending Title 6 of the Lincoln Municipal Code relating to Animals, by amending Section 6.08.020 to set minimum penalties for violations of rabies vaccination requirements for dogs; amending Section 6.08.060 to increase license fees for dogs due to increased administrative costs; amending Section 6.10.040 to increase registration fees for dangerous and potentially dangerous dogs due to increased administrative costs; amending Section 6.10.100 to refer to definitions in Chapter 6.02; amending Section 6.12.020 to set minimum penalties for violations of rabies vaccination requirements for cats; amending Section 6.12.120 to increase license fees for cats due to increased administrative costs; and repealing sections 6.08.020, 6.08.060, 6.10.040, 6.10.100, 6.12.020, and 6.12.120 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 10.16 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE PENALTY PROVISIONS FOR SECOND OFFENSE DWI AND BY ADDING A NEW SECTION RELATING TO RESTRICTIONS ON MOTOR VEHICLES OWNED BY PERSONS CONVICTED OF A SECOND VIOLATION OF LMC SECTION 10.16.030 OR 10.16.040 - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 10.16 of the Lincoln Municipal Code by amending Section 10.16.030 to change the penalty provisions for second offense DWI; by adding a new Section 10.16.045 relating to restrictions on motor vehicles; and repealing Section 10.16.030 of the Lincoln Municipal Code as hitherto existing, the first time.

#### ORDINANCES - 3RD READING

CHANGE OF ZONE 3395 - APPLICATION OF MARTIN LUTHER HOMES NEBRASKA HOUSING FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS TO R-5 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT NORTH 63RD STREET AND Y STREET - 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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18152**, is recorded in Ordinance Book 25, Page

#### MISCELLANEOUS BUSINESS

##### PENDING -

CAMP Moved to extend the Pending List to April 7, 2003.

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

##### UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on April 7, 2003.

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

##### ADJOURNMENT

**7:38 P.M.**

CAMP Moved to adjourn the City Council meeting of March 31, 2003.

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

---

Joan Ross, City Clerk

---

Judy Roscoe, Senior Office Assistant

REGULAR MEETING  
MARCH 31, 2003  
PAGE 56