

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 14, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Cook; Council Members: Camp, Friendt, McRoy, Seng, Svoboda, Joan Ross, City Clerk. Absent: Werner.

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 April 7, 2003, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Brock Wagner of the Lincoln Police Dept. was awarded the March Mayor's Award of Excellence in the categories of Safety and Productivity.

PUBLIC HEARING

APPLICATION OF VIVIANA GRASSI-LARSEN DBA "SUR TANGO BAR & CAFÉ" FOR AN UPGRADE OF A CLASS "I" LIQUOR LICENSE TO CLASS "C" AT 1228 P STREET - Viviana Grassi-Larsen, 2411 Winchester South, came forward, took the oath and explained why she was upgrading her license to coincide with her lease expiration.

This matter was taken under advisement.

APPLICATION OF JAN-AL INC. DBA "SIMPLY PARADISE SOCIAL HALL" FOR A CLASS "I" LIQUOR LICENSE AT 3235 NORTH 35TH STREET;
MANAGER APPLICATION OF JANET L. CROSBY FOR JAN-AL INC. DBA "SIMPLY PARADISE SOCIAL HALL" AT 3235 NORTH 35TH STREET - Janet Crosby, 5014 Valley Forge Rd. came forward, took the oath and was available for questions.

This matter was taken under advisement.

VACATING THE NORTH-SOUTH ALLEY FROM THE NORTH LINE OF VACATED HATCH STREET RUNNING NORTHWESTERLY BETWEEN LOT 18, BLOCK 33, WRINGTON ADDITION, AND LOT 146 I.T., IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 6 EAST, GENERALLY LOCATED AT 7TH AND VACATED HATCH STREETS - Jack Wolfe, Attorney representing Midwest Pump, 830 Wells Fargo Center, came forward in favor.

This matter was taken under advisement.

VACATING WEST M STREET FROM THE WEST LINE OF SOUTH CODDINGTON AVENUE TO ITS TERMINATION, APPROXIMATELY 300 FEET WEST OF THE WEST LINE OF SOUTH CODDINGTON AVENUE - Rick Onnen, Design Consultants, 2200 Fletcher St., came forward in favor. He asked for a correction to be made on the ordinance.

This matter was taken under advisement.

APPROVING AN ANNEXATION AGREEMENT BETWEEN PINE LAKE DEVELOPMENT L.L.C., STANLEY L. PORTSCHE AND GRACE A. PORTSCHE, MID-AMERICAN UNION CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 41 ACRES OF PROPERTY GENERALLY LOCATED WEST OF 84TH STREET AND NORTH OF HIGHWAY 2. (In connection w/03-21, 03-22, 03R-26, 03R-27) (2/03/03 - P.H. con't w/Action to 2/10/03) (2/10/03 - Public Hearing & Action Delayed 2 wks. to 2/24/03) (2/24/03 - Delay Action 2 weeks to 3/10/03) (3/17/03 - Lost as amended, 3-4; Cook, McRoy, Seng, Werner dissenting) (3/24/03 - To have Public Hearing & Action on 4/14/03) - Mark Hunzeker, 530 S. 13th St., Suite B, representing Pine Lake Development, came forward to object to the process of requiring an agreement prior to taking action on the zone change, use permit and preliminary plat. He stated that the new proposal is unacceptable and he again renewed the objection to the process which is being employed.

We have a project which is clearly almost specifically in accordance with your Comprehensive Plan to the extent of a subarea plan being included which clearly identifies it, the project is contiguous to the city limits, it is in phase I priority A of the Comprehensive Plan, and all utilities are available.

Councilman Friendt asked why there was a new condition to pay fees up front.

Rick Peo, City Attorney's Office, came forward to explain that this draft had not been submitted to City Council and it was an attempt to negotiate a compromise with the developer over the present existing language that he would pay impact fees as they became due and payable. Mr. Peo asked the Council to consider removing the other Bills from pending, that are connected to this annexation agreement, so that Council can act on them all at the same time. It is the conditional annexation agreement and zoning agreement, which we have been doing for the last ten years with the condition on two things: 1) that people are asking to come into the City of Lincoln and; 2) the City does have the right to enter into contract zoning.

Discussion among members ensued regarding the length of time this Bill has been on the agenda.

Mr. Hunzeker returned for rebuttal.

This matter was taken under advisement.

AMENDING THE UNIVERSITY PLACE REDEVELOPMENT PLAN TO PROVIDE FOR THE ACQUISITION OF BLIGHTED AND SUBSTANDARD COMMERCIAL/INDUSTRIAL PROPERTIES FOR THE PURPOSE OF REDEVELOPMENT, INCLUDING GREEN'S FURNACE AND PLUMBING COMPANY BUILDING AND PROPERTY IN THE VICINITY OF 48TH AND MADISON AVE.

Wynn Hjermstad, Urban Development, came forward to explain the redevelopment plan regarding Green's Furnace and Plumbing. She answered questions that were posed in the pre-council meeting regarding how the price is determined. She stated it was based on the individual appraisal and the offer is done by fair market value. Another question was if this property will be returned to the tax roles. She reported that would happen once a re-developer is selected and the re-development plan is in place. She explained the boundaries are determined by zoning and that it is paid for by tax increment financing.

Councilman Friendt asked if there were any other properties involved. Ms. Hjermstad stated there were no additional properties.

This matter was taken under advisement.

APPROVING A WAIVER OF THE LAND SUBDIVISION ORDINANCE REQUIREMENTS FOR THE INSTALLATION OF STREET TREES, STREET LIGHTS, SIDEWALKS, PAVING AND FLOODPLAIN REQUIREMENTS IN THE JACOBSON ADDITION ADMINISTRATIVE FINAL PLAT ON PROPERTY GENERALLY LOCATED AT SOUTH 7TH AND N STREETS - John Jacobson, 7401 Stevens Ridge Rd., came forward in favor.

This matter was taken under advisement.

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE LINCOLN MALL REDEVELOPMENT PROJECT FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA LINCOLN MALL REDEVELOPMENT PROJECT TAX ALLOCATION BONDS - Loren Wismer, Gillmore & Bell Bond Counsel for the City, came forward to explain this legislation.

This matter was taken under advisement.

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ENTERTAINMENT CENTER/OLD FEDERAL BUILDING REDEVELOPMENT PROJECT FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA ENTERTAINMENT CENTER/OLD FEDERAL BUILDING REDEVELOPMENT PROJECT TAX ALLOCATION BONDS - Loren Wismer, Gillmore & Bell, Bond Counsel for the City, came forward to explain this legislation.

Councilman Friendt asked about the amount requested being \$900,000. Mr. Wismer agreed that that figure should be changed to \$4,037,000 in Section 2A.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Bob Valentine, 2660 Park Ave., came forward to express his opinion about the City purchasing the property from Green's Plumbing on N. 48th

Street. He asked for a commitment from the present Council members and those running for office to not increase the mill levy for the City portion of taxes. He questioned if the ambulance service is making any money due to the fact that it appears to be behind in collecting on the accounts payable. He also mentioned that Chief Spadt seems to be paying fire chiefs time and a half for driving emergency vehicles on their days off.

These matters were taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF VIVIANA GRASSI-LARSEN DBA "SUR TANGO BAR & CAFÉ" FOR AN UPGRADE OF A CLASS "I" LIQUOR LICENSE TO CLASS "C" AT 1228 P STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82037 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 Viviana Grassi-Larsen dba "Sur Tango Bar & Cafe" for a Class "C" liquor license at 1228 P Street, 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; NAYS: None; ABSENT: Werner.

APPLICATION OF JAN-AL INC. DBA "SIMPLY PARADISE SOCIAL HALL" FOR A CLASS "I" LIQUOR LICENSE AT 3235 NORTH 35TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82038 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 JAN-AL Inc. dba "Simply Paradise Social Hall" for a Class "I" liquor license at 3235 North 35th Street, Lincoln, Nebraska, for the license period ending April 30, 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; NAYS: None; ABSENT: Werner.

MANAGER APPLICATION OF JANET L. CROSBY FOR JAN-AL INC. DBA "SIMPLY PARADISE SOCIAL HALL" AT 3235 NORTH 35TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82039 WHEREAS, JAN-AL Inc. dba "Simply Paradise Social Hall" located at 3235 North 35th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Janet L. Crosby be named manager;

WHEREAS, Janet L. Crosby 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 Janet L. Crosby 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; NAYS: None; ABSENT: Werner.

ORDINANCES - 2ND READING

VACATING THE NORTH-SOUTH ALLEY FROM THE NORTH LINE OF VACATED HATCH STREET RUNNING NORTHWESTERLY BETWEEN LOT 18, BLOCK 33, WRINGTON ADDITION, AND LOT 146 I.T., IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 6 EAST, GENERALLY LOCATED AT 7TH AND VACATED HATCH STREETS - CLERK read an ordinance, introduced by Glenn Friendt, vacating the north-south alley from the north line of vacated Hatch Street running northwesterly between Lot 18, Block 22, Wrington Addition, and Lot 146 I.T.; in the Southeast Quarter of Section 35, Township 10 North, Range 6 East of the 6th P.M., and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

VACATING WEST M STREET FROM THE WEST LINE OF SOUTH CODDINGTON AVENUE TO ITS TERMINATION, APPROXIMATELY 300 FEET WEST OF THE WEST LINE OF SOUTH CODDINGTON AVENUE - CLERK read an ordinance, introduced by Glenn Friendt, vacating West M Street from the west line of South Coddington Avenue westerly to its termination, approximately 300 feet west of the west line of South Coddington Avenue and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

RESOLUTIONS

APPROVING AN ANNEXATION AGREEMENT BETWEEN PINE LAKE DEVELOPMENT L.L.C., STANLEY L. PORTSCHE AND GRACE A. PORTSCHE, MID-AMERICAN UNION CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 41 ACRES OF PROPERTY GENERALLY LOCATED WEST OF 84TH STREET AND NORTH OF HIGHWAY 2. (In connection w/03-21, 03-22, 03R-26, 03R-27) (2/03/03 - P.H. con't w/Action to 2/10/03) (2/10/03 - Public Hearing & Action Delayed 2 wks. to 2/24/03) (2/24/03 - Delay Action 2 weeks to 3/10/03) (3/17/03 - Lost as amended, 3-4; Cook, McRoy, Seng, Werner dissenting) (3/24/03 - To have Public Hearing & Action on 4/14/03) - PRIOR to reading:

SENG Moved to delay action on Bill No. 03R-25 for one week to 4/21/03.
Seconded by McRoy & tied by the following vote: AYES: Cook, McRoy, Seng; NAYS: Camp, Friendt, Svoboda; ABSENT: Werner.

SVOBODA Moved to adopt Bill No. 03R-25.
Seconded by Seng & tied by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, McRoy, Seng; ABSENT: Werner.
Due to tie vote, Bill No. 03R-25 will carry over for action only to 4/21/03.

AMENDING THE UNIVERSITY PLACE REDEVELOPMENT PLAN TO PROVIDE FOR THE ACQUISITION OF BLIGHTED AND SUBSTANDARD COMMERCIAL/INDUSTRIAL PROPERTIES FOR THE PURPOSE OF REDEVELOPMENT, INCLUDING GREEN'S FURNACE AND PLUMBING COMPANY BUILDING AND PROPERTY IN THE VICINITY OF 48TH AND MADISON AVE. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82040 WHEREAS, the City Council on December 7, 1998 adopted Resolution No. A-79200, adopting the University Place Redevelopment Plan, and said plan was amended by Resolution No. A-81098 adopted on September 17, 2001; and

WHEREAS, the Director of Urban Development has filed with the City Clerk an amendment to the University Place Redevelopment Plan to provide for the acquisition and redevelopment of blighted and substandard commercial/industrial properties in the vicinity of North 48th Street and Madison Avenue including Green's Furnace and Plumbing Company building and other such property; said plan amendments are attached hereto, marked as Attachment "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan amendments and

has found that they meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on March 7, 2003 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on March 19, 2003 before the Lincoln City - Lancaster County Planning Commission regarding the amendments to the University Place Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, said proposed amendments to the University Place Redevelopment Plan have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on March 19, 2003 found said request to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on April 4, 2003 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on April 14, 2003 regarding the proposed amendments to the University Place Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on March 28, 2003 and April 4, 2003 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on April 14, 2003 regarding the proposed amendments to the University Place Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on April 14, 2003 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed amendments to the University Place Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed amendments.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the University Place Redevelopment Plan as modified by the proposed amendments is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the University Place Redevelopment Plan as modified by the proposed amendments is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan as modified by the proposed amendment is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

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

That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the amendments to the University Place Redevelopment Plan attached hereto as Attachment "A" are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said amendments to the

University Place Redevelopment Plan.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental hereto to the findings, approvals, and authorizations set forth in Resolutions No. A-79200 and A-81098.

Introduced by Annette McRoy

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

APPROVING A WAIVER OF THE LAND SUBDIVISION ORDINANCE REQUIREMENTS FOR THE INSTALLATION OF STREET TREES, STREET LIGHTS, SIDEWALKS, PAVING AND FLOODPLAIN REQUIREMENTS IN THE JACOBSON ADDITION ADMINISTRATIVE FINAL PLAT ON PROPERTY GENERALLY LOCATED AT SOUTH 7TH AND N STREETS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption;

A-82041 WHEREAS, the Administrative Final Plat of Jacobson Addition has been submitted for approval by the City of Lincoln; and

WHEREAS, one of the conditions of approval of said Administrative Final Plat was the requirement that the subdivider install street trees, street lights, sidewalks, paving, and satisfy the requirements pertaining to the subdivision of land within the floodplain as required by the Land Subdivision Ordinance in said Administrative Final Plat; and

WHEREAS, applicant has requested a modification to waive said requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska: That the requirement of the Administrative Final Plat of Jacobson Addition relating to the installation of street trees, street lights, sidewalks, paving, and floodplain requirements within said subdivision, is hereby waived; provided, however, nothing herein shall be construed to preclude the City Council from ordering the construction of sidewalks in said location at any time in the future upon proper notice to the owners, their successors or assigns.

Introduced by Annette McRoy

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MARCH 16 - 31, 2003 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82042 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 April 1, 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>	
Stanley Woodring	NAS*	Albert Maribaga, on behalf of	
Jeremy Tumbleson	\$849.30	minor daughter, Yasmin Nasur	\$8,200.00
Deb Reichel	NAS*	Ayak Kok, on behalf of minor	
D. Bruce McKaeg	NAS*	daughter, Aduot Abdalla	8,200.00
		Fred & Loralee Carter	3,412.10
		Samuel Brown	2,500.00
		Troy Ellsworth	1,900.00
		Rex & Cari Jordan	200.00
		Darren Hosick	2,647.08
		Paul Daniels Interiors	1,786.97
		Progressive Insurance Co.	

(Dawn Styskal, Insured)	1,924.90
Alan Katzberg	388.28
Allen Hall	9,900.00

* 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 Annette McRoy

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

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE LINCOLN MALL REDEVELOPMENT PROJECT FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA LINCOLN MALL REDEVELOPMENT PROJECT TAX ALLOCATION BONDS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82043 A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA (THE "CITY") UNDER THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, TO BORROW MONEY BY THE ISSUANCE OF TAX ALLOCATION BONDS BY THE CITY TO REIMBURSE THE COSTS OF CONSTRUCTING, ACQUIRING, EQUIPPING AND FURNISHING IMPROVEMENTS TO THE CITY'S LINCOLN MALL REDEVELOPMENT PROJECT.

BE IT RESOLVED by the City Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:

Section 1. Findings.

(a) The City has heretofore entered into the Lincoln Mall Project Redevelopment Agreement dated as of August 21, 2002 (the "Lincoln Mall Redevelopment Agreement") under which the City has agreed to make certain improvements within the Lincoln Mall Project Area (as defined in the Lincoln Mall Redevelopment Agreement) at its expense (the "City Project") in connection with the Lincoln Mall Project (as defined in the Lincoln Mall Redevelopment Agreement).

(b) To pay the costs of acquiring, constructing, equipping and furnishing the City Project, the City will issue its Lincoln Mall Redevelopment Project Tax Allocation Bonds (the "Bonds") in accordance with the provisions of the City's Home Rule Charter and the Constitution and laws of the State of Nebraska, including, but not limited to, the Community Development Law (Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended).

(c) It is necessary, desirable, advisable and in the best interests of the City to begin work on the City Project prior to the issuance of the Bonds and the City anticipates expending funds in the amount of \$900,000 for the City Project.

(d) The Department of the Treasury has promulgated final regulations (Treasury Regulations, Section 1.150-2, hereinafter referred to as the "Regulations") governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for City Project expenditures made prior to the date of issuance of the Bonds which require that the City make a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditures. The Regulations generally require that the Bonds be issued and the reimbursement allocation made from the proceeds of the Bonds within 18 months after the later of the date the expenditure is made or the City Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

(e) The Council has determined that it is necessary, desirable, advisable and in the best interest of the City that the requirement of the Regulations be satisfied to preserve the ability of the City to reimburse expenditures made with respect to the City Project from funds of the City from and after the date of adoption of this Resolution from the proceeds of the Bonds.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of the Resolution and Section 1.150-2 of the Treasury Regulations, the Council does hereby declare the official intent of the City to borrow funds to pay the acquisition, installation and other related costs of the City Project by the issuance of the Bonds by the City, the interest on which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to

the issuance of the Bonds, the City is authorized to advance moneys of the City in the amount of approximately \$900,000 for the purpose of paying a portion of the costs of constructing, acquiring, equipping and furnishing the City Project.

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures constituting "preliminary expenditures" within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iii) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the City Project have been paid by the City more than 60 days prior to the date of execution and delivery of this Resolution.

(c) The reasonably expected source of funds to be used to pay debt service on the Bonds will be the incremental tax revenues received by the City from the Lincoln Mall Redevelopment Project pursuant to the provisions of the Community Redevelopment Law.

(d) The Bonds shall be issued in such amount and upon such terms and conditions as may be agreed upon by the City and the purchaser or purchasers of the Bonds for the purpose of paying all or a portion of the costs and expenses incident to the acquisition and financing of the City Project, the Bonds to be authorized by the Council at a meeting to be held for such purpose by the Council.

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the City Project, other than pursuant to the issuance of the Bonds. This Resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an "Authorized Officer") be, and each of them is, authorized to take such further action as such Authorized Officer shall deem necessary or desirable without further action by the Council to carry out the transactions contemplated by this Resolution.

(b) The Authorized Officers be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) The Finance Director of the City Controller shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the City Project. Each allocation shall be evidenced by an entry on the official books of the City maintained for the City Project and shall specifically identify the original expenditure being reimbursed.

Section 4. Ratification.

All acts and deeds heretofore done by any officer, employee or agent of the City on behalf of the City to preserve the ability of the City to reimburse expenditures made from and after the date of adoption of this Resolution with respect to the City Project by the City through the issuance of the Bonds and other transactions contemplated by this Resolution are hereby ratified, confirmed and approved in all respects.

Section 5. Effective Dates.

This Resolution shall be in full force and effect from and after its passage and adoption by the Council.

Section 6. Conflicting Resolutions Repealed.

All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Annette McRoy

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

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ENTERTAINMENT CENTER/OLD FEDERAL BUILDING REDEVELOPMENT PROJECT FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA ENTERTAINMENT CENTER/OLD FEDERAL BUILDING REDEVELOPMENT PROJECT TAX ALLOCATION BONDS - PRIOR to reading:

FRIENDT Moved to amend Bill No. 03R-92 in the following manner:

Section 2. (a) after the word approximately, delete \$900,000 and replace with the figure \$4,037,000.

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

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption as amended:

A-82044 A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA (THE "CITY") UNDER THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, TO BORROW MONEY BY THE ISSUANCE OF TAX ALLOCATION BONDS BY THE CITY TO REIMBURSE THE COSTS OF CONSTRUCTING, ACQUIRING, EQUIPPING AND FURNISHING IMPROVEMENTS TO THE CITY'S ENTERTAINMENT CENTER/OLD FEDERAL BUILDING REDEVELOPMENT PROJECT.

BE IT RESOLVED by the City Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:

Section 1. Findings.

(a) The City has heretofore entered into (i) the Downtown Entertainment Center Project Redevelopment Agreement (undated) (the "Entertainment Center Redevelopment Agreement") and (ii) the Old Federal Building Redevelopment Agreement dated May 15, 2002 (the "Federal Building Redevelopment Agreement") under which the City has agreed to make certain improvements within the Entertainment Center/Old Federal Building Project Area (as defined in the Entertainment Center Redevelopment Agreement and the Federal Building Redevelopment Agreement) at its expense (the "City Project") in connection with the Entertainment Center/Old Federal Building Project (as defined in the Entertainment Center Redevelopment Agreement and the Federal Building Redevelopment Agreement).

(b) To pay the costs of acquiring, constructing, equipping and furnishing the City Project, the City will issue its Entertainment Center/Old Federal Building Redevelopment Project Tax Allocation Bonds (the "Bonds") in accordance with the provisions of the City's Home Rule Charter and the Constitution and laws of the State of Nebraska, including, but not limited to, the Community Development Law (Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended).

(c) It is necessary, desirable, advisable and in the best interests of the City to begin work on the City Project prior to the issuance of the Bonds and the City anticipates expending funds in the amount of \$4,037,000 for the City Project.

(d) The Department of the Treasury has promulgated final regulations (Treasury Regulations, Section 1.150-2, hereinafter referred to as the "Regulations") governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for City Project expenditures made prior to the date of issuance of the Bonds which require that the City make a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditures. The Regulations generally require that the Bonds be issued and the reimbursement allocation made from the proceeds of the Bonds within 18 months after the later of the date the expenditure is made or the City Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

(e) The Council has determined that it is necessary, desirable, advisable and in the best interest of the City that the requirement of

the Regulations be satisfied to preserve the ability of the City to reimburse expenditures made with respect to the City Project from funds of the City from and after the date of adoption of this Resolution from the proceeds of the Bonds.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of the Resolution and Section 1.150-2 of the Treasury Regulations, the Council does hereby declare the official intent of the City to borrow funds to pay the acquisition, installation and other related costs of the City Project by the issuance of the Bonds by the City, the interest on which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the issuance of the Bonds, the City is authorized to advance moneys of the City in the amount of approximately ~~\$900,000~~ \$4,037,000 for the purpose of paying a portion of the costs of constructing, acquiring, equipping and furnishing the City Project.

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures constituting "preliminary expenditures" within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iii) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the City Project have been paid by the City more than 60 days prior to the date of execution and delivery of this Resolution.

(c) The reasonably expected source of funds to be used to pay debt service on the Bonds will be the incremental tax revenues received by the City from the Lincoln Mall Redevelopment Project pursuant to the provisions of the Community Redevelopment Law.

(d) The Bonds shall be issued in such amount and upon such terms and conditions as may be agreed upon by the City and the purchaser or purchasers of the Bonds for the purpose of paying all or a portion of the costs and expenses incident to the acquisition and financing of the City Project, the Bonds to be authorized by the Council at a meeting to be held for such purpose by the Council.

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the City Project, other than pursuant to the issuance of the Bonds. This Resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an "Authorized Officer") be, and each of them is, authorized to take such further action as such Authorized Officer shall deem necessary or desirable without further action by the Council to carry out the transactions contemplated by this Resolution.

(b) The Authorized Officers be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) The Finance Director of the City Controller shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the City Project. Each allocation shall be evidenced by an entry on the official books of the City maintained for the City Project and shall specifically identify the original expenditure being reimbursed.

Section 4. Ratification.

All acts and deeds heretofore done by any officer, employee or agent of the City on behalf of the City to preserve the ability of the City to reimburse expenditures made from and after the date of adoption of this Resolution with respect to the City Project by the City through the issuance of the Bonds and other transactions contemplated by this Resolution are hereby ratified, confirmed and approved in all respects.

Section 5. Effective Dates.

This Resolution shall be in full force and effect from and after its passage and adoption by the Council.

Section 6. Conflicting Resolutions Repealed.

All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, APRIL 28, 2003 @ 1:30 P.M. FOR THE MANAGER APPLICATION OF JOSHUA J. DEERY FOR LONESTAR STEAKHOUSE & SALOON OF NEBRASKA, INC. DBA LONE STAR STEAKHOUSE & SALOON, LOCATED AT 200 N. 70TH ST. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82045 BE IT RESOLVED by the City council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 28, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-city Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Manager Application of Joshua J. Deery for Lone Star Steakhouse & Saloon of Nebraska, Inc. dba Lone Star Steakhouse & Saloon located at 200 N. 70th .

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

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, APRIL 28, 2003 @ 1:30 P.M. FOR THE MANAGER APPLICATION OF GERRI A. ANDERSON FOR FONTENELLE OIL CO. DBA HOLIDAY STATIONSTORE #117, LOCATED AT 2200 N. 48TH ST. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82046 BE IT RESOLVED by the City council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 28, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-city Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Manager Application of Gerri A. Anderson for Fontenelle Oil Co. dba Holiday Stationstore #117 located at 2200 N. 48th St.

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

Introduced by Annette McRoy

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

PETITIONS & COMMUNICATIONS

INFORMAL PETITION FOR CREATION OF A PAVING DISTRICT ON MORGAN STREET FROM WEST BENTON, NORTH APPROXIMATELY 350 FT. SUBMITTED BY MIKE POE - CLERK presented said petition which was referred to the Public Works Dept.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FROM MARCH 31 THROUGH APRIL 4, 2003 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82047 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of attachments 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 Annette McRoy

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

REPORT OF CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE FOURTH QUARTER OF 2002: AMERIVISION COMMUNICATIONS, INC.; AMENDED -

AMERIVISION COMMUNICATIONS, INC.; FOR THE MONTH OF FEBRUARY, 2003: ALYON TECHNOLOGIES, INC.; IBM GLOBAL SERVICES - NS DIV.; STAR NUMBER, INC.; UNITED SYSTEMS ACCESS TELECOM; QUANTUM SHIFT COMMUNICATIONS; INTELLICALL OPERATOR SERVICES; BELL ATLANTIC COMMUNICATIONS; NEBRASKA TECHNOLOGY & TELECOMMUNICATIONS, INC.; FOR THE MONTH OF MARCH, 2003: ATS MOBILE TELEPHONE CO., INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF CITY TREASURER OF MONTHLY CASH REPORT FOR THE MONTH OF APRIL, 2003
CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ORDINANCES - 1ST READING

VACATING R STREET FROM THE EAST LINE OF 9TH STREET TO THE WEST LINE OF 10TH STREET - CLERK read the following ordinance, introduced by Annette McRoy, vacating R Street from the east line of 9th Street to the west line of 10th Street, the first time.

DECLARING APPROXIMATELY 0.3 ACRES OF THE HIGHLANDS SOUTH PARK PROPERTY LOCATED AT W. KATLEMAN DRIVE AND N.W. FAIRWAY DRIVE, AS SURPLUS AND AUTHORIZING THE SALE THEREOF - CLERK read the following ordinance, introduced by Annette McRoy, declaring approximately 0.3 acres of the Highlands South Park property located at W. Katleman Drive and N.W. Fairway Drive, as surplus and authorizing the sale thereof, the first time.

AMENDING CHAPTER 12.20 OF THE LINCOLN MUNICIPAL CODE TO EXPAND THE TYPES OF LANDSCAPE PLANTINGS ALLOWED WITHIN THE SIDEWALK SPACE IN PUBLIC RIGHT-OF-WAY AREAS - CLERK read the following ordinance, introduced by Annette McRoy, amending Chapter 12.20 of the Lincoln Municipal Code to expand the types of landscape plantings allowed within the sidewalk space in public right-of way areas, the first time.

AMENDING CHAPTER 14.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIDEWALK CONSTRUCTION BY AMENDING SECTION 14.80.010 TO DESIGNATE PERMITTED USES OF THE SPACE BETWEEN THE LOT LINE AND CURB (SIDEWALK SPACE) AND ADDING A NEW SECTION NUMBERED 14.80.015 TO PROVIDE FOR THE USE OF DECORATIVE GRAVEL OR ROCK MULCH IN THE SIDEWALK SPACE - CLERK read the following ordinance, introduced by Annette McRoy, amending Chapter 14.80 of the Lincoln Municipal Code relating to sidewalk construction by amending Section 14.80.010 to designate permitted uses of the space between the lot line and curb (sidewalk space) and adding a new section numbered 14.80.015 to provide for the use of decorative gravel or rock mulch in the sidewalk space, the first time.

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE PLANNING, CONSULTING, ENGINEERING, DESIGN, AND CONSTRUCTION ACTIVITIES AND COSTS ASSOCIATED WITH THE WATER QUALITY REHABILITATION PROJECT AT HOLMES LAKE - CLERK read the following ordinance, introduced by Annette McRoy, approving a multi-yea contract between the City and the Nebraska Department of Environmental Quality for the planning, consulting, engineering, design and construction activities and costs associated with the water quality rehabilitation project at Holmes Lake, the first time.

AMENDING VARIOUS CHAPTERS OF THE LINCOLN MUNICIPAL CODE TO CHANGE REFERENCES TO "FIRE DEPARTMENT" TO "FIRE AND RESCUE DEPARTMENT" - CLERK read the following ordinance, introduced by Annette McRoy, amending various chapters of the Lincoln Municipal Code to change references to "Fire Department" to "Fire and Rescue Department", the first time.

ORDINANCES - 3RD 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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.
The ordinance being numbered **#18159** is recorded in Ordinance Book No.259, Page

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 12th Street from Q to R Streets and R Street from 12th to 13th Streets from June 3, 2003 through June 24, 2003, and authorizing the Mayor to sign such Contract on behalf of the City, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.
The ordinance being numbered **#18160** is recorded in Ordinance Book No.259, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.
The ordinance being numbered **#18161** is recorded in Ordinance Book No.259, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.
The ordinance being numbered **#18162** is recorded in Ordinance Book No.259, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.
The ordinance being numbered #18163 is recorded in Ordinance Book No.259, Page

MISCELLANEOUS BUSINESS

PENDING -

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 39.9 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 84TH ST. & HWY. 2. (In connection w/03-22, 03R-25, 03R-26, 03R-27) (2/03/03 - P.H. con't. w/3rd reading on 2/10/03) (2/10/03 - Public Hearing & Action Delayed 2 wks. to 2/24/03) (2/24/03 - Delay Action 2 weeks to 3/10/03) (3/10/03 - Action Delayed to 3/17/03) (3/17/03 - Placed on Pending);

CHANGE OF ZONE 3373 - APP. OF PINE LAKE DEVELOPMENT, L.L.C. FOR A CHANGE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL & O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 84TH ST. & HIGHWAY 2. (In connection w/03-21, 03R-25, 03R-26, 03R-27) (2/03/03 - P.H. con't w/3rd reading on 2/10/03) (2/10/03 - Public Hearing & Action Delayed 2 wks. to 2/24/03) (2/24/03 - Delay Action 2 weeks to 3/10/03) (3/10/03 - Action Delayed to 3/17/03) (3/17/03 - Placed on Pending);

ACCEPTING & APPROVING THE PRELIMINARY PLAT OF PINE LAKE PLAZA FOR NINE RESIDENTIAL LOTS, 12 LOTS FOR OFFICE/COMMERCIAL & THREE OUTLOTS, WITH WAIVERS TO THE REQUIRED INTERSECTION PLATFORMS, NON-RADIAL OR PERPENDICULAR SIDE LOT LINES, RECONSTRUCTION OF PINE LAKE RD. TO URBAN SECTION, TURNING LANE DEPTH, SEWER SYSTEM RUNNING OPPOSITE STREET GRADES & DEEPER THAN STANDARDS, SIDEWALKS, MAXIMUM BLOCK LENGTH, & PEDESTRIAN WAY EASEMENT, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 84TH ST. & HWY. 2. (In connection w/03-21, 03-22, 03R-26, 03R-27) (2/3/03 - P.H. con't w/Action to 2/10/03) (2/10/03 - Public Hearing & Action Delayed 2 wks. to 2/24/03) (2/24/03 - Delay Action 2 weeks to 3/10/03) (3/10/03 - Action Delayed to 3/17/03) (3/17/03 - Placed on Pending);

USE PERMIT 145 - APP. OF PINE LAKE DEVELOPMENT L.L.C. TO DEVELOP 192,900 SQ. FT. OF OFFICE & COMMERCIAL FLOOR SPACE, WITH A WAIVER OF MINIMUM YARD REQUIREMENTS, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 84TH ST. & HWY. 2. (In connection w/03-21, 03-22, 03R-25, 03R-26) (2/03/03 - P.H. con't w/Action to 2/10/03) (2/10/03 - Public Hearing & Action Delayed 2 wks. to 2/24/03) (2/24/03 - Delay Action 2 weeks to 3/10/03) (3/17/03 - Action Delayed to 3/17/03) (3/17/03 - Placed on Pending) - CLERK requested a motion to remove the above items from pending:

SENG Moved to take Bill No. 03-21, Bill No. 03-22, Bill No. 03R-26 and Bill No. 03R-27 off pending for action on 04/21/03.
Motion died for lack of a second.

CAMP Moved to extend the Pending List to April 21, 2003.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on April 21, 2003.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

ADJOURNMENT

2:50 P.M.

CAMP Moved to adjourn the City Council meeting of April 14, 2003.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.
 So ordered.

Joan Ross, City Clerk

Glenna Graupmann, Senior Office Assistant

REGULAR MEETING
APRIL 14, 2003
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