

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 10, 2005 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Svoboda; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Newman; City Clerk, Joan E. Ross.

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

**READING OF THE MINUTES**

NEWMAN Having been appointed to read the minutes of the City Council proceedings of October 3, 2005, reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Seng presented the Mayor's Award of Excellence for the month of September to David Bernt of Public Works & Utilities Department in the category of Productivity and Customer Relations.

Randy Hoskins, Engineering Services of Public Works & Utilities Dept., came forward to state David is a valuable employee who goes above and beyond what he is asked to do. He researches his projects and has saved the City much money because of it.

**PUBLIC HEARING**

APPLICATION OF EL RINCON MANAGEMENT COMPANY, INC. DBA LAS MARGARITAS MEXICAN RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 2700 JAMIE LANE;  
MANAGER APPLICATION OF ROSAURA MORALES FOR EL RINCON MANAGEMENT COMPANY, INC. DBA LAS MARGARITAS MEXICAN RESTAURANT AT 2700 JAMIE LANE - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, took the oath and came forward representing El Rincon Management Company, Inc. to answer questions.

Rosaura Morales took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF BRUNO ENTERPRISES, INC. TOO DBA BUFFALO WILD WINGS GRILL AND BAR FOR A CLASS I LIQUOR LICENSE AT 1328 P STREET;  
MANAGER APPLICATION OF MIKE FURMANSKI FOR BRUNO ENTERPRISES, INC. TOO DBA BUFFALO WILD WINGS GRILL AND BAR AT 1328 P STREET;  
APPLICATION OF BRUNO ENTERPRISES, INC. TOO DBA BUFFALO WILD WINGS GRILL AND BAR FOR A CLASS I LIQUOR LICENSE AT 7301 S. 27TH STREET, SUITE 100;  
MANAGER APPLICATION OF MIKE FURMANSKI FOR BRUNO ENTERPRISES, INC. TOO DBA BUFFALO WILD WINGS GRILL AND BAR AT 7301 S. 27TH STREET, SUITE 100 - James Bruno, owner of Buffalo Wild Wings Grill and Bar, took the oath and came forward to answer questions.

Mike Furmanski, Manager of Buffalo Wild Wings Grill and Bar took the oath and came forward to answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF RICK F. CASH FOR WILDERNESS RIDGE LLC DBA WILDERNESS RIDGE GOLF COURSE AT 1800 WILDERNESS WOODS PLACE - Rick Cash, 1207 Pawnee St., took the oath and came forward to answer questions.

This matter was taken under advisement.

AMENDING LINCOLN MUNICIPAL CODE CHAPTER 24.38, ONSITE WASTEWATER TREATMENT SYSTEMS TO ASSURE CONSISTENCY WITH STATE REGULATIONS, NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY TITLE 124 RULES AND REGULATIONS FOR THE DESIGN, OPERATION AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT SYSTEMS AND COUNTY RESOLUTION 02-30 ONSITE WASTEWATER TREATMENT SYSTEMS;  
AMENDING THE DESIGN STANDARDS CHAPTER 4.10 OPERATION AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT SYSTEMS TO ASSURE CONSISTENCY WITH NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY TITLE 124 RULES AND REGULATIONS FOR THE DESIGN, OPERATION AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT SYSTEMS - Scott Holmes, Manager of Environmental Health Department, stated this amendment is to update local regulations. The County has approved a modified fee that the City approved a few weeks ago. The fee will be the same for City and County. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 05040 - APPLICATION OF RIDGE DEVELOPMENT CO. FOR A CHANGE FROM O-3 OFFICE PARK DIST. TO B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT S. 14TH ST. AND YANKEE HILL RD. ;  
USE PERMIT 05004 - APPLICATION OF RIDGE DEVELOPMENT CO. TO DEVELOP WILDERNESS WOODS COMMERCIAL CENTER FOR 31, 500 SQ. FT. OF FLOOR AREA FOR A DRIVE-THRU RESTAURANT, RETAIL AND OFFICE SPACE, WITH A REQUEST TO ADJUST THE YARD SETBACKS FOR INDIVIDUAL LOTS, ON PROPERTY GENERALLY LOCATED AT S. 14TH ST. AND YANKEE HILL RD. - DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Wilderness Ridge Golf Course to state this change of zone and use permit are in conformance with the conditions of the Comprehensive Plan and all the issues have been worked out. Discussion followed.

Brian Will, Planning Dept., stated the site plan meets requirements of the Planning Dept. and Public Works and Utilities Dept. This matter was taken under advisement.

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

#### MISCELLANEOUS BUSINESS

Joseth Moore, no address given, came forward to ask the City to consider a recycling program used in Curitiba, Brazil where vouchers are given for bus passes, food, school supplies, etc. to the homeless or low income people who bring in items to be recycled. This benefits the environment, low income, homeless & businesses. Discussion followed. This matter was taken under advisement.

Mike Morosin, 2055 "S" Street, stated many homeless collect cans and other recyclable materials for money already. He also stated the Cornhusker Hotel had used TIF funds and then eventually sold the hotel. This should be monitored when issuing TIF funds. Discussion followed. This matter was taken under advisement.

Glen Cekal, 1420 "C" Street, commented on recycling. This matter was taken under advisement.

#### COUNCIL ACTION

##### LIQUOR RESOLUTIONS

APPLICATION OF EL RINCON MANAGEMENT COMPANY, INC. DBA LAS MARGARITAS MEXICAN RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 2700 JAMIE LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83577 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 El Rincon Management Company, Inc. dba Las Margaritas Mexican Restaurant for a Class "I" liquor license at 2700 Jamie Lane, Lincoln, Nebraska, for the license period ending April 30, 2006, 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 Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF ROSAURA MORALES FOR EL RINCON MANAGEMENT COMPANY, INC. DBA LAS MARGARITAS MEXICAN RESTAURANT AT 2700 JAMIE LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83578 WHEREAS, El Rincon Management Company, Inc. dba Las Margaritas Mexican Restaurant located at 2700 Jamie Lane, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Rosaura Morales be named manager;

WHEREAS, Rosaura Morales 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 Rosaura Morales 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 Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF BRUNO ENTERPRISES, INC. TOO DBA BUFFALO WILD WINGS GRILL AND BAR FOR A CLASS I LIQUOR LICENSE AT 1328 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83579 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 Bruno Enterprises, Inc. Too dba Buffalo Wild Wings Grill and Bar for a Class "I" liquor license at 1328 P Street, Lincoln, Nebraska, for the license period ending April 30, 2006, 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 Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF MIKE FURMANSKI FOR BRUNO ENTERPRISES, INC. TOO DBA BUFFALO WILD WINGS GRILL AND BAR AT 1328 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83580 WHEREAS, Bruno Enterprises, Inc. Too dba Buffalo Wild Wings Grill and Bar located at 1328 P Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Mike Furmanski be named manager;

WHEREAS, Mike Furmanski 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 Mike Furmanski 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 Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF BRUNO ENTERPRISES, INC. TOO DBA BUFFALO WILD WINGS GRILL AND BAR FOR A CLASS I LIQUOR LICENSE AT 7301 S. 27TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83581 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 Bruno Enterprises, Inc. Too dba Buffalo Wild Wings Grill and Bar for a Class "I" liquor license and at 7301 S. 27th Street, Suite 100 Lincoln, Nebraska, including an outside patio area measuring approximately 12 feet by 51 feet, for the license period ending April 30, 2006, 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 Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF MIKE FURMANSKI FOR BRUNO ENTERPRISES, INC. TOO DBA BUFFALO WILD WINGS GRILL AND BAR AT 7301 S. 27TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83582 WHEREAS, Bruno Enterprises, Inc. Too dba Buffalo Wild Wings Grill and Bar located at 7301 S. 27th Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Mike Furmanski be named manager;

WHEREAS, Mike Furmanski 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 Mike Furmanski 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 Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF RICK F. CASH FOR WILDERNESS RIDGE LLC DBA WILDERNESS RIDGE GOLF COURSE AT 1800 WILDERNESS WOODS PLACE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83583 WHEREAS, Wilderness Ridge LLC dba Wilderness Ridge Golf Course located at 1800 Wilderness Woods Place, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Rick F. Cash be named manager;

WHEREAS, Rick F. Cash 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 Rick F. Cash 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 Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

#### ORDINANCES - 2<sup>ND</sup> READING & RESOLUTIONS

AMENDING LINCOLN MUNICIPAL CODE CHAPTER 24.38, ONSITE WASTEWATER TREATMENT SYSTEMS TO ASSURE CONSISTENCY WITH STATE REGULATIONS, NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY TITLE 124 RULES AND REGULATIONS FOR THE DESIGN, OPERATION AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT SYSTEMS AND COUNTY RESOLUTION 02-30 ONSITE WASTEWATER TREATMENT SYSTEMS. (RELATED ITEMS: 05-145, 05R-238) - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 24.39 of the Lincoln Municipal Code, Onsite Wastewater Treatment Systems to assure consistency with State regulations, Nebraska Department of Environmental Quality Title 124 Rules and Regulations for the Design, Operation and Maintenance of On-site Wastewater Treatment systems and County Resolution 02-30 Onsite Wastewater Treatment Systems, the second time.

AMENDING THE DESIGN STANDARDS CHAPTER 4.10 OPERATION AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT SYSTEMS TO ASSURE CONSISTENCY WITH NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY TITLE 124 RULES AND REGULATIONS FOR THE DESIGN, OPERATION AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT SYSTEMS. (RELATED ITEMS: 05-145, 05R-238).

APPROVING AN AGREEMENT BETWEEN THE CITY'S LINCOLN AREA AGENCY ON AGING AND THE FIRST UNITED METHODIST CHURCH FOR THE LEASE OF SPACE FOR THE FIRST UNITED ACTIVAGE CENTER AT 14410 FOLKESTONE ST., WAVERLY, NEBRASKA - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church for the lease of space by the Lincoln Area Agency of Aging for its ActivAge Center at 14410 Folkestone Street, Waverly, Nebraska for the period of September 1, 2005 through August 31, 2006, the second time.

CHANGE OF ZONE 05040 - APPLICATION OF RIDGE DEVELOPMENT CO. FOR A CHANGE FROM O-3 OFFICE PARK DIST. TO B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT S. 14TH ST. AND YANKEE HILL RD. (RELATED ITEMS: 05-147, 05R-243) - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

USE PERMIT 05004 - APPLICATION OF RIDGE DEVELOPMENT CO. TO DEVELOP WILDERNESS WOODS COMMERCIAL CENTER FOR 31, 500 SQ. FT. OF FLOOR AREA FOR A DRIVE-THRU RESTAURANT, RETAIL AND OFFICE SPACE, WITH A REQUEST TO ADJUST THE YARD SETBACKS FOR INDIVIDUAL LOTS, ON PROPERTY GENERALLY LOCATED AT S. 14TH ST. AND YANKEE HILL RD. (RELATED ITEMS: 05-147, 05R-243)

#### RESOLUTIONS

REAPPOINTING DON SCHROEDER AND DAN PUDENZ TO THE ELECTRICAL ADVISORY APPEALS AND EXAMINING BOARD FOR THREE-YEAR TERMS EXPIRING AUGUST 15, 2007 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83584 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Don Schroeder and Dan Pudenz to the Electrical Advisory, Appeals and Examining Board for three-year terms expiring August 15, 2007 is hereby approved.

Introduced by Annette McRoy

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REAPPOINTING JOHN HENRY ZOHNER AND RONALD GEARY TO THE HEATING, VENTILATING & COOLING EXAMINING BOARD FOR A THREE-YEAR TERMS EXPIRING ON APRIL 4, 2008 AND APRIL 4, 2007, RESPECTIVELY - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83585 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of John Henry Zohner and Ronald Geary to the Heating, Ventilating & Cooling Examining Board for three-year terms expiring April 4, 2008 and April 4, 2007, respectively, is hereby approved.

Introduced by Annette McRoy

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REAPPOINTING DOUG BIGGERSTAFF TO THE EXAMINING BOARD OF PLUMBERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2007 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83586 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Doug Biggerstaff to the Examining Board of Plumbers for a three-year term expiring on September 4, 2007 is hereby approved.

Introduced by Annette McRoy

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REAPPOINTING DOUG BIGGERSTAFF TO THE WATER CONDITIONING BOARD OF EXAMINERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2007 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83587 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Doug Biggerstaff to the Water Conditioning Board of Examiners for a three-year term expiring on September 4, 2007 is hereby approved.

Introduced by Annette McRoy

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPOINTING ROGER MASSEY TO THE LINCOLN HOUSING BOARD TO FILL AN UNEXPIRED TERM EXPIRING JULY 1, 2007 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83588 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Roger Massey to the Lincoln Housing Authority Board to fill an unexpired term expiring on July 1, 2007 is hereby approved.

Introduced by Annette McRoy

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

#### PETITIONS & COMMUNICATIONS

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF SEPTEMBER, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON OCTOBER 3, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR SEPTEMBER 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF AUGUST 2005 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF MARCH 2005: DIGIZIP; JULY 2005: UCN, ON STAR, VIRGIN MOBILE USA, PRIMUS, TANS NAT'L., INTELLICALL OPERATOR, XO COMMUNICATIONS, MCLEOD USA, ADVANCED TEL, ACN, BELL ATLANTIC, QWEST, TELECORP., CII COMM. OPERATIONS, CINCINNATI BELL ANY DISTANCE, WORKING ASSETS, VERIZON SELECT, TRACFONE WIRELESS, VOICCOM, BUSINESS PROD. SOLUTIONS, STAR NUMBER, KDDI AMERICA, QUANTUM SHIFT, T-NETIX, IBM GLOBAL, GLOBAL CROSSING, OCMC, NORSTAN NETWORK, MCI WORLDCOM, TWC INFO, WWC LICENSE, USCOS OF GREATER IOWA, NEW CINGULAR WIRELESS, ALLTEL COMM. OF NEBRASKA, ALLTEL NEBRASKA, ALLTEL SYSTEMS OF THE MIDWEST, AT&T COMM. OF MIDWEST, CRICKET; AUGUST 2005: NEXTEL PARTNERS, D&D, SPRINT SPECTRUM, SPRINT COMM., MCI WORLDCOM, TWC INFO, 360NETWORKS(USA), AFFINITY NETWORK, SBC LONG DISTANCE, NEXTEL WEST, ACCERIS, ZONE TELECOM, GTC, LDMI, TRI-M, NOS, GLOBALCOM, LIGHTYEAR NETWORK SOLUTIONS, NOSVA, EXCEL, VARTEC, NORSTAN, NETWORK BILLING, ATS MOBILE - CLERK presented said report which was placed on file in the Office of the City Clerk.

#### ORDINANCES - 1<sup>ST</sup> READING & RESOLUTIONS

VACATION 05005 - VACATING MAPLE STREET WEST FROM S.W. 27TH STREET, GENERALLY LOCATED AT S.W. 27TH STREET AND WEST PEACH STREET - CLERK read an ordinance, introduced by Patte Newman, vacating Maple Street west of S.W. 27<sup>th</sup> Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 05050 - APPLICATION OF LINCOLN SPORTS FOUNDATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO H-2 HIGHWAY BUSINESS ON PROPERTY GENERALLY LOCATED AT N. 70TH STREET AND ARBOR ROAD - CLERK read an ordinance, introduced by Patte Newman, 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 05065 - AMENDING SECTIONS 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.57.180, 27.63.025, AND 27.82.110 OF THE LINCOLN MUNICIPAL CODE TO MODIFY THE CITY COUNCIL'S ACTION ON A MATTER APPEALED FROM THE PLANNING COMMISSION TO THE CITY COUNCIL - CLERK read an ordinance, introduced by Patte Newman, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.57.180, 27.63.025 and 27.82.110 to modify the City Council's action on a matter appealed to the City Council; and repealing Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.57.180, 27.63.025, and 27.82.110 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC. 05021 - AMENDING SECTIONS 26.11.037, 26.11.060, AND 26.31.010 OF THE LINCOLN MUNICIPAL CODE TO MODIFY THE CITY COUNCIL'S ACTION ON A MATTER APPEALED FROM THE PLANNING COMMISSION TO THE CITY COUNCIL - CLERK read an ordinance, introduced by Patte Newman, amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision Ordinance by amending Sections 26.11.037, 26.11.060 and 26.31.010 to modify the City Council's action on a matter appealed to the City Council; and repealing Sections 26.11.037, 26.11.060, and 26.31.010 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 6.04.150 OF THE LINCOLN MUNICIPAL CODE RELATING TO SHELTER FEES TO INCREASE THE FEE FOR RELEASE OF ANY ANIMAL HELD OR IMPOUNDED IN THE ANIMAL SHELTER - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 6.04 of the Lincoln Municipal Code relating to Animal Control Regulations - Generally by amending Section 6.04.150 relating to shelter fees to increase the fee for release of any animal held or impounded in the animal shelter; and repealing Section 6.04.150 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTIONS 6.08.130 AND 6.08.260 OF THE LINCOLN MUNICIPAL CODE RELATING TO DOGS TO INCREASE THE FEE FOR THE RELEASE OF A DOG HELD OR IMPOUNDED IN THE ANIMAL SHELTER - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 6.08 of the Lincoln Municipal Code relating to Dogs by amending Sections 6.08.130 and 6.08.260 of the Lincoln Municipal Code to increase the fee for the release of a dog held or impounded in the animal shelter; and repealing Sections 6.08.130 and 6.08.260 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 6.10.050 OF THE LINCOLN MUNICIPAL CODE RELATING TO DANGEROUS AND POTENTIALLY DANGEROUS DOGS TO INCREASE THE REGISTRATION FEE OF POTENTIALLY DANGEROUS DOGS FROM \$5.00 TO \$25.00 - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 6.10 of the Lincoln Municipal Code relating to Dangerous and Potentially Dangerous Dogs by amending Section 6.10.050 to increase the registration fee of potentially dangerous dogs from \$5.00 to \$25.00; and repealing Section 6.10.050 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTIONS 6.12.100 AND 6.12.220 OF THE LINCOLN MUNICIPAL CODE RELATING TO CATS TO INCREASE THE FEE FOR THE RELEASE OF A CAT HELD OR IMPOUNDED IN THE ANIMAL SHELTER - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 6.12 of the Lincoln Municipal Code relating to Cats by amending Sections 6.12.100 and 6.12.220 of the Lincoln Municipal Code to increase the fee for the release of a cat held or impounded in the animal shelter; and repealing Sections 6.12.100 and 6.12.220 of the Lincoln Municipal Code as hitherto existing, the first time.

#### ORDINANCES - 3<sup>RD</sup> READING & RESOLUTIONS

DECLARING THE NORTH SEVEN FEET OF LOT 1, BLOCK 3, ENGLSIDE ADD., AS SURPLUS PROPERTY, GENERALLY LOCATED AT 22ND & HOLDREGE STS. - CLERK read an ordinance, introduced by Dan Marvin, declaring the City-owned property generally located at the southwest corner of 22<sup>nd</sup> and Holdrege Streets as surplus and authorizing the sale thereof, the third time.

MARVIN Moved to pass the ordinance as read.

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered #18623, is recorded in Ordinance Book #25, Page

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CHANGE OF ZONE 05060 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE FROM P PUBLIC USE TO R-2 RESIDENTIAL DIST. ON PROPERTY GENERALLY LOCATED AT 33RD ST. & DOANE ST. - CLERK read an ordinance, introduced by Dan Marvin, 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.

MARVIN Moved to pass the ordinance as read.  
Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, being numbered **#18624**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05066 - AMENDING LINCOLN MUNICIPAL CODE §27.63.470 "PERMITTED SPECIAL USE: PLANNED SERVICE COMMERCIAL" TO ADD PUBLIC OR PRIVATE ELEMENTARY & HIGH SCHOOLS AS AN ALLOWED USE BY THE PLANNED SERVICE COMMERCIAL SPECIAL PERMIT IN THE H-4 GENERAL COMMERCIAL DIST. - CLERK read an ordinance, introduced by Dan Marvin, amending Section 27.63.470 of the Lincoln Municipal Code relating to Permitted Special Use; Planned Service Commercial to add public or private elementary and high schools as an allowed use by the planned service commercial development special permit in the H-4 General Commercial District; and repealing Section 27.63.470 of the Lincoln Municipal Code as hitherto existing, the third time.

MARVIN Moved to pass the ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, being numbered **#18625**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 2531CC - APPLICATION OF JERRY & ANNETTE WEBER TO AMEND THE WILLIAMSBURG VILLAGE PLANNED UNIT DEVELOPMENT TO ADJUST THE REAR YARD SETBACK FROM 27.5' TO 20.5' TO ALLOW AN ADDITION TO THE EXISTING HOUSE ON PROPERTY LOCATED AT 3821 WILLIAMSBURG DR. - CLERK read an ordinance, introduced by Dan Marvin, amending the approved Development Plan for Williamsburg Village Planned Unit Development as appended to Change of Zone 2531BB to adjust the rear yard setback from 27.5' to 20.5' to allow an addition to the existing house, on property located at 3821 Williamsburg Drive, the third time.

MARVIN Moved to pass the ordinance as read.  
Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, being numbered **#18626**, is recorded in Ordinance Book #25, Page

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY & VERIZON WIRELESS LLC FOR THE USE OF PROPERTY IN ANTELOPE PARK FOR CO-LOCATING TELECOMMUNICATIONS FACILITIES - CLERK read an ordinance, introduced by Dan Marvin, accepting and approving the License Agreements between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC dba Verizon Wireless for the placement of telecommunications facilities upon City property located in Antelope Park and authorizing the Mayor to sign such License Agreement on behalf of the City, the third time.

MARVIN Moved to pass the ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, being numbered **#18627**, is recorded in Ordinance Book #25, Page

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to October 17, 2005.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on October 17, 2005.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

**ADJOURNMENT 2:14 P.M.**

CAMP            Moved to adjourn the City Council meeting of October 10, 2005.  
                  Seconded by McRoy & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
                  So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

REGULAR MEETING  
October 10, 2005  
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