

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 16, 2002 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, 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

SENG Having been appointed to read the minutes of the City Council proceedings of December 9, 2002, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF COLORADO HOSPITALITY SERVICES, INC. DBA "BEST WESTERN AIRPORT INN" FOR A CLASS "C" LIQUOR LICENSE AT 3200 N.W. 12TH STREET;
MANAGER APPLICATION OF LEO SCHERER FOR COLORADO HOSPITALITY SERVICES, INC. DBA "BEST WESTERN AIRPORT INN" AT 3200 N.W. 12TH STREET - Darrell Stock, 1115 K Street, #104, took oath & came forward representing Colorado Hospitality Services Inc. to answer any questions.

Leo Scherer, no address given, took oath & came forward to answer any questions.

This matter was taken under advisement.

MANAGER APPLICATION OF GINGER CHAPIN FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 2925 N.W. 12TH STREET - Ginger Chapin, 2927 Vine Street, took oath & came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF BJT, L.L.C. DBA "THE OFFICE" FOR A CLASS I LIQUOR LICENSE AT 1211 O STREET. (10/21/02 - MOTION TO RECONSIDER/WITHDRAW APPLICATION ON 10/28/02) (10/28/02 - PLACED ON PENDING UNTIL MANAGER APPLICATION COMES FORWARD);

MANAGER APPLICATION OF JULIANA BULLER FOR BJT, L.L.C. DBA "THE OFFICE" AT 1211 O STREET - Mike Rierden, 645 M St., Suite 200, took oath & came forward representing BJT, LLC & Juliana Buller. He stated that Bob & Juliana Buller own & operate the old Kings restaurant on South Street also.

Juliana Buller, no address given, took oath & stated she will be the bookkeeper and will take the RCI class as well as her employees.

Annette McRoy, Council Member, asked if she would be at the business from 10:00 p.m. to 1:00 p.m.

Ms. Buller stated that she would be there part of the time & her son would be there for the evening hours.

Penny Graves, 145 S. 9th St., took oath & came forward to testify to the Buller's good character.

Linda Cass, 1231 N 79th St., took oath & came forward to testify to the Buller's good character.

Larry Hall, 6430 Mesa Verde, took oath & came forward to testify to the Buller's good character.

This matter was taken under advisement.

REAPPOINTING JUNE REMINGTON AND TOM SCHLEICH TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2005 - Bob Van Valkenburg, 7921 Reno Rd., came forward to state he found no record of June Remington being a registered voter & that Schleich has donated a lot of money to Wesely's campaign fund.

Danny Walker, 427 E St., wanted to know how much LES has invested in new developments.

Juliana Buller, no address given, stated that she had worked for Tom Schleich for 14 years & feels he's a fair, honest good person.

Craig Groat, 4935 Huntington Ave., addressed his dissatisfaction that the Duncan Associates report of the cost of around \$7,000 per

single family unit to provide new electrical service not being part of the infrastructure outcome. He feels it should be looked at again.
This matter was taken under advisement.

REAPPOINTING NICOLE SIMON TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR A TWO-YEAR TERM EXPIRING JANUARY 1, 2005 - Bob Van Valkenburg, 7921 Reno Rd. asked that the appointees attend the City Council meetings so the public could see who they are.
This matter was taken under advisement.

REAPPOINTING GLENN FRIENDT TO THE DISTRICT ENERGY CORPORATION FOR A TWO-YEAR TERM EXPIRING DECEMBER 31, 2004 - Bob Van Valkenburg, 7921 Reno Rd., stated that Glenn Friendt was the most honest & honorable man that he has known.
This matter was taken under advisement.

ASSESSING THE COSTS INCURRED FOR CUTTING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2002 - Craig Groat 4935 Huntington Ave., came forward about the weed problem in his neighborhood.
This matter was taken under advisement.

APPLICATION OF NEBRASKA AGRI-BUSINESS ASSOCIATION AT 1111 LINCOLN MALL, SUITE 308, TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM DECEMBER 18, 2002 THROUGH JANUARY 30, 2003 - Bill Austin, 301 S. 13th St., Ste. 400, came forward representing the Nebraska Agri-Business Association to answer any questions.
This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Bob Valentine, 2660 Park Avenue, commented on the spending of \$100,000 to conduct an economic development audit from a firm in Texas. He feels they should use a firm in Nebraska. He also stated that the comparison of Austin to Lincoln wasn't appropriate as Texas doesn't have any income tax or taxes on their automobiles. He says that business executives base their decision as to where to locate on what they can put in their pockets.

Mike Grieger, 2645 Van Dorn, asked for help to build a skywalk to his building, St. George, on "O" Street.

Bob Van Valkenburg, 7921 Reno Road, asked the City Council to think about those affected by higher taxes & hopes that the City Council will help build our City.

Danny Walker, 427 E St., came forward about the Antelope Valley hearings reference the flood plains.

Craig Groat 4935 Huntington Ave., read information from the Turf Management Handbook reference the height at which weeds & grass should be cut. He feels the height should be 6 inches not 12 inches.

These matters were taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF COLORADO HOSPITALITY SERVICES, INC. DBA "BEST WESTERN AIRPORT INN" FOR A CLASS "C" LIQUOR LICENSE AT 3200 N.W. 12TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81852 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 Colorado Hospitality Services, Inc. dba "Best Western Airport Inn" for a Class "C" liquor license at 3200 N.W. 12th 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, Werner; NAYS: None.

MANAGER APPLICATION OF LEO SCHERER FOR COLORADO HOSPITALITY SERVICES, INC. DBA "BEST WESTERN AIRPORT INN" AT 3200 N.W. 12TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81853 WHEREAS, Colorado Hospitality Services, Inc. dba "Best Western Airport Inn" located at 3200 N.W. 12th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Leo Scherer be named manager;

WHEREAS, Leo Scherer 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 Leo Scherer 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.

MANAGER APPLICATION OF GINGER CHAPIN FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 2925 N.W. 12TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81854 WHEREAS, Whitehead Oil Company dba "U-Stop Convenience Shop" located at 2925 N.W. 12th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Ginger R. Chapin be named manager;

WHEREAS, Ginger R. Chapin 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 Ginger R. Chapin 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 BJT, L.L.C. DBA "THE OFFICE" FOR A CLASS I LIQUOR LICENSE AT 1211 O STREET. (10/21/02 - MOTION TO RECONSIDER/WITHDRAW APPLICATION ON 10/28/02) (10/28/02 - PLACED ON PENDING UNTIL MANAGER APPLICATION COMES FORWARD)- CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81855 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 BJT, L.L.C. dba "The Office" for a Class "I" liquor license at 1211 O 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 and the following requirements.

1. Written management policies maintained and available to all employees, with a copy to the Lincoln Police Department covering at a minimum the following issues:
 - a. Prohibiting service to intoxicated patrons and procedures for stopping service to a patron who appears intoxicated.

- b. Prohibiting service to minors, and procedures specifying circumstances employees are to check patron identification.
 - c. Procedures for employees to follow in the event of a fight, argument, or similar disturbance in the establishment.
2. A requirement of a staff to patron ratio of at least 1:25.
 3. All servers and supervisors, (wait staff, bartenders, managers) to complete an alcohol server education course, or equivalent within one month of employment.
 4. All employees to be easily identifiable either wearing a distinctive uniform or distinctive nameplate visible from ten feet under prevailing conditions.

BE IT FURTHER RESOLVED 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, McRoy, Seng, Svoboda, Werner; NAYS: Friendt.

MANAGER APPLICATION OF JULIANA BULLER FOR BJT, L.L.C. DBA "THE OFFICE" AT 1211 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81856 WHEREAS, BJT, L.L.C. dba "The Office" located at 1211 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Juliana Buller be named manager;

WHEREAS, Juliana Buller 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 Juliana Buller 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.

ORDINANCES - 2ND READING - NONE

RESOLUTIONS

REAPPOINTING JUNE REMINGTON AND TOM SCHLEICH TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2005 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81857 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of June Remington and Tom Schleich to the Lincoln Electric System Administrative Board for three-year terms expiring December 31, 2005 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.

REAPPOINTING NICOLE SIMON TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR A TWO-YEAR TERM EXPIRING JANUARY 1, 2005 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81858 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Nicole Simon to the Lincoln-Lancaster Women's Commission for a two-year term expiring January 1, 2005 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.

REAPPOINTING GLENN FRIENDT TO THE DISTRICT ENERGY CORPORATION FOR A TWO-YEAR TERM EXPIRING DECEMBER 31, 2004 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81859 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Glenn Friendt to the District Energy Corporation for a two-year term expiring December 31, 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.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF NOVEMBER 16 - 30, 2002 - PRIOR to reading:

SENG Moved to amend Bill No. 02R-295 by moving the claim of Richard J. Schaaf for \$4,972.12 from the DENIED claims to the ALLOWED claims.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81860 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 December 2, 2002, 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>	
Sally D. Peterson	NAS*	Joel & Suzann Butler	\$4,500.00
Jody Goff	\$ 107.00	Donald & Sylva Finke	8,000.00
Travis J. Crozier	301.05	Charles & Marge Cooper	1,500.00
Richard J. Schaaf	NAS*	Cameron & Jodi Grabast	340.00
Allen Hall	50,000.00	Karen Kuster	1,517.05
		Richard J. Schaaf	4,972.12

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

ASSESSING THE COSTS INCURRED FOR CUTTING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2002 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81861 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The costs for cutting, clearing, and removing weeds and other worthless vegetation as shown on the attached list for January 1, 2002 through December 31, 2002 be and the same are hereby assessed against the properties set opposite each amount, as shown thereon.

Introduced by Jon Camp

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

APPLICATION OF NEBRASKA AGRI-BUSINESS ASSOCIATION AT 1111 LINCOLN MALL, SUITE 308, TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM DECEMBER 18, 2002 THROUGH JANUARY 30, 2003 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81862 WHEREAS, Nebraska Agri-Business Association has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Nebraska Agri-Business Association to conduct a raffle

in the City of Lincoln in accordance with the application filed by Robert Anderson. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

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, JANUARY 13, 2003 AT 1:30 P.M. FOR APP. OF DOUBLE EAGLE BEVERAGE LLC DBA "DOUBLE EAGLE BEVERAGE" FOR A WHOLESALE BEER LICENSE LOCATED AT 5840 NORTH 70 STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81864 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 13, 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 App. of Double Eagle Beverage LLC dba "Double Eagle Beverage" for a Wholesale Beer License located at 5840 North 70 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

INFORMAL PETITIONS FOR ALLEY PAVING BETWEEN 48TH & 49TH STREETS AND BETWEEN LOWELL AND MERIDETH STREETS SUBMITTED BY KENT KNUDSEN, VICE PRESIDENT OF DAVINCI'S AND LYNN FISHER, OWNER OF GREAT PLACE PROPERTIES AND GLENN YURTH OWNER OF DAIRY QUEEN - CLERK presented said petition which was referred to the Public Works Dept.

PETITION TO VACATE PUBLIC WAY THE WEST "N" STREET FROM CODDINGTON AVENUE TO ITS TERMINATION APPROXIMATELY 300' TO THE WEST SUBMITTED BY DENNIS G. & MARY JANE BADE - 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 DECEMBER 2, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON DECEMBER 9, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR DECEMBER 2 THROUGH DECEMBER 6, 2002 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81863 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

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

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp,

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

REPORT FROM UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF NOVEMBER 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

ORDINANCES - 1ST READING

REPEALING ORDINANCE NO. 17924 WHICH CREATED PAVING DISTRICT NO. 2622 IN N. 67TH STREET BETWEEN Y AND X STREETS - CLERK read an ordinance, introduced by Jon Camp, repealing Ordinance No. 17924 which created Paving District No. 2622, which Paving district included all that portion of North 67th Street lying between the South line of "Y" Street and North line of "X" Street describing the benefitted property and providing for the payment of the cost thereof, the first time.

ORDINANCES - 3RD READING

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (ZONING ORDINANCE) TO ADD A NEW SECTION 27.82.010 TO PROVIDE A TITLE, AUTHORITY AND APPLICABILITY; TO ADD A NEW SECTION 27.82.020 TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE; TO ADD A NEW SECTION 27.82.030 TO PROVIDE INTENT; TO ADD A NEW SECTION 27.82.040 TO PROVIDE DEFINITIONS; TO ADD A NEW SECTION 27.82.050 TO PROVIDE FOR IMPOSITION OF IMPACT FEES; TO ADD A NEW SECTION 27.82.060 TO PROVIDE EXEMPTIONS FROM IMPACT FEES; TO ADD A NEW SECTION 27.82.070 TO PROVIDE FOR THE CREATION OF AN IMPACT FEE FUND AND IMPACT FEE ACCOUNTS; TO ADD A NEW SECTION 27.82.080 TO PROVIDE FOR REFUNDS OF IMPACT FEES PAID; TO ADD A NEW SECTION 27.82.090 TO PROVIDE FOR POST-ORDINANCE DEVELOPER AGREEMENTS REGARDING IMPACT FEE FACILITIES; TO ADD A NEW SECTION 27.82.100 TO PROVIDE FOR DEVELOPER REIMBURSEMENT FOR PRE-ORDINANCE PARTICIPATION IN FINANCING OR CONSTRUCTING IMPACT FEE FACILITIES; AND TO ADD A NEW SECTION 27.82.110 TO PROVIDE FOR MISCELLANEOUS PROVISIONS. (IN CONNECTION W/02-161, 02R-247) (HOUSING AUTHORITY -MOTION TO AMEND) (11/18/02 - MOTION TO DELAY TO 12/9/02, FAILED, 3-4, COOK, MCROY & WERNER ASSENTING, PLACED ON PENDING WITH NO DATE CERTAIN, 4-3; COOK, SENG, & WERNER DISSENTING)(12/2/02 - TO HAVE ACTION 12/16/02) - PRIOR to reading:

FRIENDT Moved Amendment No. 1 of Bill No. 02-160 on page 5, between lines 17 and 18, insert the following:

"(s) Under the legislative findings in the Nebraska Housing Agency Act (Neb. Rev. Stat. §§ 71-1572 to 71-15,168 (2000 Cum. Supp.)) the Nebraska Legislature declares that there exists in this state a shortage of residential housing that is decent, safe, sanitary, and affordable to persons of low and moderate income which cannot be remedied by the ordinary functioning of private enterprise alone; that the provision of such affordable housing is a public purpose which can best be carried out by affording local housing agencies the necessary powers to enable them to carry out their purposes. Under the Act, a local housing agency is declared to be a political subdivision of the State and is granted the power to condemn property for the purpose of providing affordable housing subject to local planning, zoning, and building codes. The Housing Authority of the City of Lincoln was established by the City in 1946 and is a local housing agency under the Act and as such is subject to the City's zoning regulations. However, the Act encourages intergovernmental cooperation between the Housing Authority of the City of Lincoln and the City and specifically authorizes the City to grant exceptions from its zoning regulations in order to facilitate development in furtherance of the purposes of the Act. The Act further authorizes the City of Lincoln incur the entire expense of any public improvements made by the City for the purpose of aiding and cooperating with the Housing Authority of the City of Lincoln's provision of affordable housing pursuant to the Act. Therefore, in consideration of the State's policy that the City cooperate with the Housing Authority of the City of Lincoln in order to promote and facilitate the Housing Authority of the City of Lincoln's construction of decent, safe and sanitary housing which is affordable to persons of low and moderate income, all impact fees should be waived for such development."

2. On page 5, line 18, delete the letter "(s)" and insert in lieu thereof the letter "(t)".

3. On page 18, between lines 17 and 18, insert the following:
"(9) Development or construction by the Housing Authority of the City of Lincoln pursuant to the Nebraska Housing Agency Act.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
- SVOBODA Moved Amendment No. 4 of Bill No. 02-160 as follows:
On page 32, delete lines 9 through 15, and insert in lieu thereof the following:
"(i) There shall be no discretion to reduce impact fees."
Seconded by Friendt & **LOST** by the following vote: AYES: Svoboda; NAYS: Camp, Cook, Friendt, McRoy, Seng, Werner.
- SVOBODA Moved Amendment No. 3 of Bill No. 02-160 as follows:
1. On page 32, line 11 delete the word "Mayor" and insert in lieu thereof the following: "City Council by an affirmative vote of at least five of its members".
2. On page 32, line 14, delete the word "Mayor" and insert in lieu thereof "City Council".
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
- CAMP Moved Amendment No. 5 of Bill No. 02-160 as follows:
1. On page 18, line 2, delete the word "medium" and insert in lieu thereof the word median.
2. On page 18, line 5, delete the word "medium" and insert in lieu thereof the word median.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
- FRIENDT Moved to amend Amendment No. 6 by adding a sentence that says, "The City Council will establish the study criteria and select the consultant, if any".
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
- OCAMP Moved to amend Amendment No. 6 by deleting the word "first" to read "periodic review".
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
- MCROY Moved amended Amendment No. 6 of Bill No. 02-160 as follows:
1. On page 35, between lines 13 and 14, insert a new Section 19 to read as follows:
Section 19. In the periodic review that is to occur at least once every three years an economic analysis of the effects of impact fees on affordable housing and the local economy and that the City Council will establish the study criteria and select the consultant, if any.
2. On page 35, line 14, renumber Section 19 as Section 20.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
- FRIENDT Moved Amendment No. 8 of Bill No. 02-160 as follows:
1. On page 4, delete lines 9 through 18 in their entirety.
2. On page 18, line 20, through page 19, line 5, delete entire paragraph.

3. On page 27, lines 16 and 17, delete the following words: "not subject to an exception from impact fees pursuant to Section 27.82.060(b)(1)."
Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, McRoy, Seng, Werner.
- CAMP Moved Amendment No. 13 as follows:
On page 18, lines 7 and 8, delete the following: "located outside of a low or moderate income area."
Seconded by Friendt. No vote taken.
- CAMP Moved to Withdraw motion for Amendment No.13.

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

TOOK BREAK 3:40 P.M

RECONVENED 4:00 P.M.

WERNER Moved to reconsider of Amendment No. 8 of Bill No. 02-160.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda, Werner; NAYS: Cook, Seng.

WERNER Moved a re-vote of Amendment No. 8. which eliminates the category exemptions.
Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda, Werner; NAYS: Cook, Seng.

FRIENDT Moved Amendment No. 14 as follows:
1. On page 15, lines 16 to 17, delete the words "at such person's cost" and insert in lieu thereof the following: at City expense.
2. On page 16, at the end of line 8, add the following: If such study is rejected, or if the impact fee administrator requires modifications, such rejection or required modifications shall be accompanied by detailed findings and reasons for such rejection or required modifications.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

FRIENDT Moved Amendment No. 10 of Bill No. 02-160 as follows:
On page 27, Line 13, delete the words "Developer Reimbursement" and insert in lieu thereof "Credit Against Impact Fees".
On page 27, lines 19 and 20, after the word "interest", delete the words "with the right or entitlement to a reimbursement which has been expressly transferred or assigned to the successor in interest; and delete the words "cash reimbursement" and add in lieu thereof "credit against impact fees".
On 28, line 1, delete the word "Reimbursement" and insert in lieu thereof the words "Credit against impact fees".
On 28, line 2, delete the word "reimbursement" and insert in lieu thereof the word "credit".
5. On page 29, line 6, delete the word "reimbursement" and insert in lieu thereof the word "credit".
6. On page 29, following the period at the end of line 11, add the following: "The amount so calculated shall be allowed as a credit against impact fees, prorated to all remaining undeveloped land within the development."
7. On page 29, line 12, delete the word "reimbursement" and insert in lieu thereof the word "credit"; delete the word "provided" and insert in lieu thereof the word "allowed".
8. On page 29, line 15, delete the word "reimbursement" and insert in lieu thereof the word "credit".
9. On page 29, line 16, delete the word "reimbursement" and insert in lieu thereof the word "credit".
10. On page 29, line 17, delete the word "reimbursement" and insert in lieu thereof the word "credit".
11. On page 29, line 18, delete the word "reimbursement" and insert in lieu thereof the word "credit".
12. On page 30, line 1, delete the word "Reimbursement" and the word "Reimbursements" and insert the word "credit" in each instance.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda, Werner; NAYS: Cook, Seng.

SVOBODA Moved to withdraw Amendment No. 9 of Bill No. 02-160 since Amendment No. 10 will take care of it.

FRIENDT Moved Amendment No. 15 as follows:
1. On page 33, line 6, insert the following after "unjust": The City Council shall make specific and detailed findings of fact with respect to each controverted issue on appeal.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CAMP Moved Amendment No. 17 as follows:
1. On page 25, line 17, add the following after the word

"City": nor shall impact fees paid in one Benefit District be used to reimburse for construction of Impact Fee Facilities in another Benefit District.

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

SVOBODA Moved Amendment No. 20 as follows:

1. On page 9, lines 9 and 10, delete the words "water and wastewater systems".
2. On page 9, lines 18 and 19, delete the words "water storage reservoirs, water pumping stations, wastewater trunk lines".
3. On page 12, line 10, delete the words "a water system impact fee, water distribution impact fee, wastewater impact fee" and insert in lieu thereof the following: "an".
4. On page 13, line 17, delete the following: "or meter size."
5. On page 13, line 20, insert the word "of" after the word "type, and delete the following ", or meter size".
6. On page 14, lines 3 through 7, delete the paragraph in its entirety.
7. On page 14, line 8, delete the words "or meter size".
8. On page 14, line 10, delete the words "or meter size".
9. On page 14, line 15, delete the words "meter size".
10. On page 14, line 17, delete the words "meter size".
11. On page 19, delete lines 6 through 13.
12. On page 21, lines 8 through 12, delete words "(1) water system impact fees, water distribution impact fees, and wastewater impact fees may be spent for water system impact fee facility improvements, water distribution impact fee facility improvements, and wastewater impact fee facility improvements, respectively, outside the corporate limits of the City which benefit the district in which they were collected, and (2)".
13. On page 21, delete lines 16 through 20.
14. On page 22, delete lines 1 and 2.
15. On page 22, line 3, delete "(4), and insert in lieu thereof "(1)".
16. On page 22, line 3, delete "(5, and insert in lieu thereof "(2)".
17. On page 25, lines 19 and 20, delete the words "water storage reservoirs, water pumping stations, wastewater trunk lines, and".
18. On page 27, lines 21 and 22, delete the words "water storage reservoirs, water pumping stations, wastewater trunk lines and".
19. On page 35, line 2, delete the words "Water Distribution Impact Fee Benefit Areas Map,".
20. On page 35, line 4, change the numeral "4" to "3".

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

FRIENDT Moved Amendment No. 21 as follows:

1. On page 21, line 18, delete the numeral "7" and insert "9".
2. On page 21, line 20, delete the numeral "7" and insert "9".
3. On page 22, line 3, delete the numeral "7" and insert "9".
4. On page 22, line 5, delete the numeral "7" and insert "9".
5. On page 22, line 9, delete the numeral "7" and insert "9".
6. On page 22, line 11, delete the numeral "7" and insert "9".
7. Substitute the Water Distribution Impact Fee Benefit Areas Map, the Arterial Street Impact Fee Benefit Areas Map, and the Neighborhood Park and Trail Impact Fee Benefit Areas Map attached

hereto and marked as Exhibit Nos. 2 through 4, for Exhibit Nos. 2 through 4 presently attached to Bill No. 02-160 and adopted on page 35, line 4 under Section 16 of Bill No. 02-160.

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

SENG Moved Amendment No. 22 as follows:

1. On page 21, line 3, delete the words "Subsections (a) and (b)" and insert the words "Subsection (a)(6), (7), and (8)".

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

TOOK BREAK 5:00 P.M.

RECONVENED 5:27 P.M.

MCROY Moved to amend Amendments 8 & 10 to broaden category exemptions to apply to any written agreement.
No Second.

MCROY Withdrew the above motion.

SVOBODA Moved to delay action to 1/6/03.
Seconded by Camp & **LOST** by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, McRoy, Seng, Werner.

SENG Moved to reconsider Amendment No. 10.
Seconded by McRoy & carried by the following vote: AYES: Cook, McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda.

MCROY Moved to retain Amendment No. 10.
Seconded by Seng & **LOST** by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, McRoy, Seng, Werner.

MCROY Moved to reconsider Amendment No. 8.
Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda.

MCROY Moved amend Amendment No. 8 on page 18, line 20 by deleting the word annexation.
No second.

MCROY Withdrew the amendment to delete the word annexation on page 18, line 20 of Amendment No. 8.

CAMP Moved to delay action on Bill No.02-160 to 1/13/03.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to zoning by adding a new section numbered 27.82.010 to provide a title, authority and applicability; adding a new section numbered 27.82.020 to provide legislative findings and purpose; adding a new section numbered 27.82.030 to provide intent; adding a new section numbered 27.82.040 to provide definitions; adding a new section numbered 27.82.050 to provide for imposition of impact fees; adding a new section numbered 27.82.060 to provide exemptions from impact fees; adding a new section numbered 27.82.070 to provide for the creation of an impact fee fund and impact fee accounts; adding a new section numbered 27.82.080 to provide for refunds of impact fees paid; adding a new section numbered 27.82.090 to provide for post-ordinance developer agreements regarding Impact Fee Facilities; adding a new section numbered 27.82.100 to provide for developer reimbursement for participation in financing or constructing Impact Fee Facilities; adding a new section numbered 27.82.110 to provide for miscellaneous provisions, the third time.

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE (LAND SUBDIVISION ORDINANCE) TO AMEND SECTION 26.23.040 TO MODIFY THE REFERENCE TO THE COMPREHENSIVE PLAN AND TO INCREASE THE MINIMUM RIGHT-OF-WAY WIDTH FOR BIKEWAYS FROM A 14-FOOT EASEMENT TO A 20-FOOT EASEMENT; AND TO AMEND SECTION 26.23.160 TO REQUIRE A DEDICATION OF LAND OR PAYMENT OF AN IMPACT FEE FOR NEIGHBORHOOD PARKS AND TRAILS. (IN CONNECTION W/02-160, 02R-247) (11/18/02 - MOTION TO DELAY TO 12/9/02, FAILED, 3-4, COOK, MCROY & WERNER ASSENTING, PLACED ON PENDING WITH NO DATE CERTAIN, 4-3; COOK, SENG, & WERNER DISSENTING) (12/2/02 - TO HAVE ACTION 12/16/02) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 02-161 to 1/13/03.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

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

ADOPTING THE WATER SYSTEM IMPACT FEE, WATER DISTRIBUTION IMPACT FEE, WASTEWATER IMPACT FEE, ARTERIAL STREET IMPACT FEE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULES TO BE USED TO DETERMINE THE AMOUNT OF EACH REQUIRED IMPACT FEE PURSUANT TO THE REQUIREMENT OF THE IMPACT FEE ORDINANCE. (IN CONNECTION W/02-160, 02-161)(PLANNING DEPT -MOTION TO AMEND) (11/18/02 - MOTION TO DELAY TO 12/9/02, FAILED, 3-4, COOK, MCROY & WERNER ASSENTING, PLACED ON PENDING WITH NO DATE CERTAIN, 4-3; COOK, SENG, & WERNER DISSENTING) (12/2/02 - TO HAVE ACTION 12/16/02)- PRIOR to reading:

CAMP Moved to delay action on Bill No. 02R-247 to 1/13/03.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND DYNAMIC EDUCATIONAL SYSTEMS, INC. REPRESENTING JOB CORPS FOR A SUBLEASE OF SPACE AT THE ONE STOP CENTER, 1010 N STREET, TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT -CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a Sublease Agreement between the City of Lincoln and Dynamic Educational Systems, Inc. representing Job Corps for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of October 1, 2002 through October 31, 2003 whereby the City of Lincoln is subleasing space to Job Corps at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18111, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 6, 2002.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

APPROVING THE TERMINATION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY WHICH CREATED THE CHILDCARE ADVISORY COMMITTEE - CLERK asked for a motion to place Bill No. 02R-305 on Pending no date certain.

SENG Moved to place Bill No. 02R-305 on Pending no date certain.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING APPLICATIONS OF THE PARKS AND RECREATION DEPARTMENT FOR TWO T-21 GRANT APPLICATIONS FOR FEDERAL TRANSPORTATION FUNDS FOR PEDESTRIAN UNDERPASSES ALONG THE FUTURE ANTELOPE CREEK TRAIL UNDER SOUTH 84TH STREET AND OLD CHENEY ROAD - CLERK requested a motion to Withdraw Bill No. 02R-307.

CAMP Moved to Withdraw Bill No. 02R-307.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, having been **WITHDRAWN**, was assigned File #38-4429, & placed on file in the Office of the City Clerk.

CAMP Moved to approve the resolutions to have Public Hearing on January 6, 2003.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

6:42 P.M.

CAMP Moved to adjourn the City Council meeting of December 16, 2002.
 Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
 So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
DECEMBER 16, 2002
PAGE 648