

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 7, 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

WERNER Having been appointed to read the minutes of the City Council proceedings of September 30, 2002, reported having done so, found same correct.

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

SPECIAL PUBLIC HEARING

APPROVING THE 2002-2003 CITY TAX RATE OF .31452 PER \$100 OF ASSESSED VALUATION - Steve Hubka, City Budget Officer, came forward & stated that the tax rate included in the City budget is required by the State to have Public Hearing. This levy is the exact same as last year.

Bob Valentine, 2660 Park Avenue, requested that there be more public hearings next year at budget time so people could have an opportunity to speak more than five minutes on more items. Discussion followed.

This matter was taken under advisement.

APPROVING THE 2002-2003 CITY TAX RATE OF .31452 PER \$100 OF ASSESSED VALUATION - PRIOR to reading:

MCROY Moved to accept a substitute resolution to correct line 20 from General .15570 to General .17570.

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

CLERK Read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81737 A RESOLUTION establishing a final property tax levy for the City's 2002-2003 fiscal year.

RECITALS

I.

Pursuant to Neb. Rev. Stat. § 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on October 1, 2002, which date was at least five days prior to October 7, 2002 being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

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

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2002-2003 fiscal year for a property tax request of \$35,007,924.00:

\$.31452 per \$100 of assessed valuation

which total rate is comprised of the following:

Bond Interest & Redemption	.05429
General	.17570
Library	.05345
Social Security	.01616
Police and Fire Pension	<u>.01492</u>
Total	.31452

Introduced by Coleen Seng

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

ADJOURNMENT

1:42 P.M.

RECONVENED

1:42 P.M.

PUBLIC HEARING

APPLICATION OF JANEANE M. GLENN AND ROBERT F. GLENN DBA "PARK TERRACE BANQUET HALL" FOR A CLASS "I" LIQUOR LICENSE AT 1501 CENTER PARK ROAD, #200 - Janeane Glenn, 5530 S. 25th Street, took oath & came forward to answer any questions.

Bob Valentine, 2660 Park Avenue, took oath then suggested that an impact fee be charged to bar owners to pay for additional Police Officers. With so many bars in Downtown Lincoln it ties up many of the Police Officers and allows for more vandalism & robberies in other parts of the City. Discussion followed.

Glen Cekal, 1420 C Street, took oath then stated that drugs & alcohol have caused more crime & problems in the schools. He feels the City should hire more public service officers to be used as ears & eyes for the public.

This matter was taken under advisement.

APPLICATION OF SPEAKEASY, INC. DBA "JR'S DOWN UNDER" FOR A CLASS "C" LIQUOR LICENSE AT 3233½ SOUTH 13TH STREET;

MANAGER APPLICATION OF RONALD L. BUSKIRK FOR SPEAKEASY, INC. DBA "JR'S DOWN UNDER" AT 3233½ SOUTH 13TH STREET - Ronald Buskirk, no address given, took oath & came forward to answer any questions.

This matter was taken under advisement.

VACATING NIGHTHAWK ROAD WEST OF N.W. 6TH STREET WITHIN FALLBROOK ADDITION, GENERALLY LOCATED NORTH OF FALLBROOK BLVD. AND WEST OF N.W. 6TH STREET. (REQUEST FOR 3RD READING 10/7/02) - Mike Johnson, Olsson Associates, 1111 Lincoln Mall, stated there is a plat tied to this vacation which can't be moved forward until the right-of-way vacation is completed. Due to the process they are running out of time to pull building permits. At the end of the year the Planning Commission doesn't meet the last two weeks of December & if the Plat isn't approved this year then his client has to pay all of his taxes up front January 1st to get this plat approved.

This matter was taken under advisement.

APPROVING WAIVERS OF DESIGN STANDARDS FOR SIDEWALKS ON THE WEST SIDE OF S. 70TH STREET ADJACENT TO LOTS 1 AND 2, HICKORY CREST 4TH ADDITION, AND FOR THE SIDEWALK WITHIN THE PEDESTRIAN EASEMENT BETWEEN LOTS 1 AND 2, HICKORY CREST 4TH ADDITION FROM KING'S COURT TO S. 70TH STREET - Susan Johnson, 6801 Hickory Crest Rd., came forward to state that if the sidewalk along 70th Street is built it would run into a retaining wall and there isn't a traffic control light at this point anyway. People in the subdivision don't really want this sidewalk because it's unnecessary and a security risk.

Mike Morosin, Past President Malone Neighborhood Assoc., 2055 S St., came forward in favor of the amendment at this time with the option of putting them in sometime in the future.

Glen Cekal, 1420 C St., came forward against this waiver and stated he feels sidewalks are needed along the east side of 70th Street.

Craig Groat, 4935 Huntington Avenue, came forward against this waiver.

Danny Walker, 427 E St., stated if there's not enough easement then don't put in the sidewalk. Discussion followed.

Ray Hill, Planning Department, stated that Planning Commission followed through with what applicant requested. Discussion followed.

Glenn Friendt, Council Member, asked if there was a light at Hickory and Old Cheney.

Mr. Hill responded not at this time and not sure if it's in the future plans or not. Further discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities Dept., provided some background on this area north to Antler Drive. Further discussion followed.

This matter was taken under advisement.

VACATING THE WEST 18 FEET OF MADISON STREET SOUTH OF A STREET, AKA S. 117TH STREET, WALTON, LANCASTER COUNTY, WITHIN THE THREE-MILE JURISDICTION OF THE CITY - Matt Graham, 6740 Panama Road, stated that their home lays partially in the portion of ground requested to be vacated. He stated

that a granted vacation would remove any impedance to borrow money for improvements to this property & would be helpful in the improvements to the septic system.

Danny Walker, 427 E St., asked if this property is in Stevens Creek Basin & stated he would hate to have it sold back to NRD for easements.

Mike DeKalb, Planning Dept., stated this property is in the Stevens Creek Basin and wouldn't expect this road to be sold to NRD.

Coleen Seng, Council Member, stated that the City Council received a note from the County Engineer recommending easements here be retained for utilities.

Mr. DeKalb stated that the town of Walton is a SID for water purposes. An easement was retained in the road right-of-way for the house immediately to the north & should retain an easement on this property also. Further discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities Dept., stated that the best approach be reflected in the County Resolution.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mike Morosin, Past President Malone Neighborhood Assoc., 2055 S St. spoke on the relocation and revitalization of houses in the Malone Neighborhood due to the Antelope Valley Project. He is on the JAVA Citizen Committee to represent the people in the Malone area & was told he had no real input of acquisition of houses in this area. He asked the Council to ask Glen Johnson why his input doesn't mean anything.

Danny Walker, 427 E St., read an article from the Omaha World Herald dated 10/03/02 about whether the City Council, mayor & his administration or the voters should have the power to approve or alter the city's Capital Improvement Program.

Barbara Morely, no address given, came forward to express her concern about a house at 2046 R Street in the Malone Neighborhood that is for sale and is in the path of the Antelope Valley ditch or close to it. This house was designated as historically interesting at one time & has been remodeled on the inside, but needs paint on the outside. The heirs of the owner of this house don't want it torn down. She also talked about private initiative.

Glen Cokal, 1420 C St., commented on a letter from 9/24/98 recommending that duplexes be added to the existing licensure program to better control those in violation of City housing & health codes that was never acted on.

Bob Valentine, 2660 Park Avenue, as an opponent of LB775 he asked if the City has made promises to local companies and then held them to those promises. He, also, referred to the \$1.00 increase for garbage service & asked if the City Council has any control over the proposed occupation tax on landfills. People are already going to Milford's landfill because it's cheaper.

Craig Groat, 4935 Huntington Avenue, suggested that there be a board to oversee the Lincoln Water System. He addressed fiscal responsibility of City Council. He requested that a split screen be used so that the public can observe the City Council when people are addressing them.

These matters were taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF JANEANE M. GLENN AND ROBERT F. GLENN DBA "PARK TERRACE BANQUET HALL" FOR A CLASS "I" LIQUOR LICENSE AT 1501 CENTER PARK ROAD, #200 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81738 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 Janeane M. Glenn and Robert F. Glenn dba "Park Terrace Banquet Hall" for a Class "I" liquor license at 1501 Center Park Road, Suite 200, 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 Annette McRoy

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

APPLICATION OF SPEAKEASY, INC. DBA "JR'S DOWN UNDER" FOR A CLASS "C" LIQUOR LICENSE AT 3233½ SOUTH 13TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81739 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 Speakeasy, Inc. dba "JR's Down Under" for a Class "C" liquor license at 3233½ South 13th Street, Lincoln, Nebraska, for the license period ending October 31, 2002, 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 Annette McRoy

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

MANAGER APPLICATION OF RONALD L. BUSKIRK FOR SPEAKEASY, INC. DBA "JR'S DOWN UNDER" AT 3233½ SOUTH 13TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81740 WHEREAS, Speakeasy, Inc. dba "JR's Down Under" located at 3233½ South 13th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Ronald L. Buskirk be named manager;

WHEREAS, Ronald L. Buskirk 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 Ronald L. Buskirk 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 Annette McRoy

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

ORDINANCES - 2ND READING

VACATING NIGHTHAWK ROAD WEST OF N.W. 6TH STREET WITHIN FALLBROOK ADDITION, GENERALLY LOCATED NORTH OF FALLBROOK BLVD. AND WEST OF N.W. 6TH STREET - PRIOR to reading:

CAMP Moved to suspend the rules to have 3rd reading & action this date.
Seconded by McRoy & carried by the following vote: AYES: Camp,

McRoy, Seng, Svoboda, Werner; NAYS: Cook, Friendt.

CLERK Read the following ordinance, introduced by Annette McRoy, vacating Nighthawk Road west of N.W. 6th Street within Fallbrook Addition, generally located north of Fallbrook Blvd. and west of N.W. 6th Street, the second time. **(See Council action under ORDINANCES - 3RD READING)**

RESOLUTIONS

USE PERMIT 143 - APPLICATION OF THISTLE GLENN INVESTMENTS, L.L.C. TO DEVELOP 5,500 SQ. FT. OF VETERINARY CLINIC SPACE AND 6,000 SQ. FT. OF OFFICE/RETAIL, AND A MODIFICATION OF THE SIGN REQUIREMENTS, ON PROPERTY GENERALLY LOCATED SOUTH OF PIONEERS BLVD. EAST OF PIONEER WOOD DRIVE AND STACY LANE - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81741 WHEREAS, Thistle Glenn Investments, L.L.C. has submitted an application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 143 for authority to develop 5,500 square feet of veterinary clinic space and 6,000 square feet of office/retail space, with a modification to sign requirements on property generally located south of Pioneers Boulevard, east of Pioneer Woods Drive and Stacy Lane, and legally described to wit:

Lot 1, Pioneer Academy Subdivision, located in the Northwest Quarter of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this development of veterinary clinic and office/retail space will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Thistle Glenn Investments, L.L.C., hereinafter referred to as "Permittee", to construct veterinary, office, and retail space on the property legally described above be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 11,500 square feet of floor area for office/retail/veterinary uses.
2. The requirements of § 27.69.046(c) are hereby adjusted to permit an eight foot high, fifty square foot ground sign on property with less than 300 feet of frontage.
3. Before receiving building permits:
 - a. The Permittee must submit an acceptable, revised and reproducible final plan and five copies thereof.
 - b. The construction plans must conform to the approved plans.
4. Before occupying the commercial buildings, all development and construction must be completed in conformance with the approved plans.
5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a

copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Coleen Seng

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

APPROVING WAIVERS OF DESIGN STANDARDS FOR SIDEWALKS ON THE WEST SIDE OF S. 70TH STREET ADJACENT TO LOTS 1 AND 2, HICKORY CREST 4TH ADDITION, AND FOR THE SIDEWALK WITHIN THE PEDESTRIAN EASEMENT BETWEEN LOTS 1 AND 2, HICKORY CREST 4TH ADDITION FROM KING'S COURT TO S. 70TH STREET - PRIOR to reading:

WERNER Moved to amend line 15 by deleting the "s" on Lots and delete "and 2", then amend line 16 by deleting "and within the pedestrian easement between Lots 1 and 2".

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

CLERK Read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81742 WHEREAS, the Final Plat of Hickory Crest 4th Addition was previously approved by the City of Lincoln; and

WHEREAS, the conditions of approval of said Final Plat included the requirement that the subdivider install sidewalks along the west side of South 70th Street adjacent to Lots 1 and 2, and in the pedestrian easement between Lots 1 and 2, from King's Court to South 70th Street of said 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 requirements of the Final Plat of Hickory Crest 4th Addition relating to the installation of sidewalks along the west side of South 70th Street adjacent to Lots 1 and 2, and within the pedestrian easement between Lots 1 and 2, Hickory Crest 4th Addition, are hereby waived; provided, however, nothing herein shall be construed to preclude the City Council from ordering the construction of sidewalks in said locations at any time in the future upon proper notice to the owners, their successors or assigns.

All other conditions for approval of the Final Plat of Hickory Crest 4th Addition shall remain in full force and effect.

Introduced by Coleen Seng

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

VACATING THE WEST 18 FEET OF MADISON STREET SOUTH OF A STREET, AKA S. 117TH STREET, WALTON, LANCASTER COUNTY, WITHIN THE THREE-MILE JURISDICTION OF THE CITY - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81743 WHEREAS, the vacation of the west 18 feet of Madison Street (aka South 117th Street) in Walton south of A Street has been requested by Matthew and Briana Graham; and

WHEREAS, said street portion is located outside of the corporate limits of the City but within the three-mile zoning jurisdiction of the City; and

WHEREAS, under Neb. Rev. Stat. § 23-108 (Reissue 1997) the City must approve the vacation of said street portion.

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

That the vacation of the west 18 feet of Madison Street (aka South 117th Street) adjacent to Lot 19, in the Northwest Quarter of Section 31, Township 10 North, Range 8 East of the 6th P.M., in Walton, Lancaster County, Nebraska, which is outside of the corporate limits but within the three-mile zoning jurisdiction of the City of Lincoln is hereby approved.

BE IT FURTHER RESOLVED that the City Clerk transmit a copy of this resolution to the County Clerk for Lancaster County.

Introduced by Coleen Seng

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

SETTING THE HEARING DATE OF OCT. 21, 2002 AT 1:30 P.M. FOR A MAN. APP. OF TERRANCE M. CAROLAN FOR SPAGHETTI WORKS INC. DBA LINCOLN SPAGHETTI WORKS AT 228 N. 12TH STREET - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81745 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 21, 2002, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of Terrance M. Carolan for Lincoln Spaghetti Works Inc. dba Lincoln Spaghetti Works at 228 N. 12th Street.

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

Introduced by Coleen Seng

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

APPOINTING KATHLEEN (KAY) YOUNG AND JIM HILLE TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING AUGUST 17, 2005. (Request to suspend rules to have action 10/07/02) - PRIOR to reading:

WERNER Moved to suspend the rules to have action on Bill No. 02R-220 this date.

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

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81747 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Kathleen (Kay) Young and Jim Hille to the Community Forestry Advisory Board for three-year terms expiring August 17, 2005 is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING SHERYL BURBACH TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 17, 2005. (Request to suspend rules to have action 10/07/02) - PRIOR to reading:

WERNER Moved to suspend the rules to have action on Bill No. 02R-229 this date.

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

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81748 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Sheryl Burbach to the Community Forestry Advisory Board for a three-year term expiring August 17, 2005 is hereby approved.

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

Change of Zone 3370 - App. of Connie Heier & Patricia Slaughter for a change from AG to AGR on property between 112th & 120th Streets & between Old Cheney Road & Pine Lake Road.

Change of Zone 3379 - App. of Marvin & Barbara Armstrong for a change from R-4 to I-2 on West side of North 58th Street, 4300 Block, North from 4319 N. 58th St.

Change of Zone 3380 - App. of Nebraska Nurseries Inc. for a change from B-2 to R-3 on property at 7901 Pioneers Blvd.

Change of Zone 3382 - App. of Wilderness Ridge, L.L.C. for a text amendment to LMC 27.63.130 for property at 27th & Yankee Hill Rd.

Change of Zone 3383 - App. of Capitol Sports Foundation for a change from Ag

to I-1 for Abbott Sports Complex .
Special Permit No. 1692B - App. of Wilderness Ridge, L.L.C. for an amendment to Special Permit 1692A..
Special Permit No. 1990 - App. of Gary Kort, Heritage Builders, for a waiver of design standards for property at South 91st St. & Heritage Lakes Dr.

INFORMAL PETITION FOR A PAVING DISTRICT FOR 57TH, FREMONT AND HARTLEY STREETS SUBMITTED BY STEVE MARKWARDT - CLERK presented said petition which was referred to the Public Works Dept.

INFORMAL REQUEST FOR PAVING DISTRICT FOR WEST SOUTH STREET AND SOUTHWEST 27TH STREET SUBMITTED BY ESP INC , REED O. SCHWARTZKOPF -CLERK presented said petition which was referred to the Public Works Dept.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FROM SEPTEMBER 23 THRU SEPTEMBER 27, 2002 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:
A-81744 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 Coleen Seng

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

REPORT FROM CITY TREASURER OF FRANCHISE TAX OF AQUILA FOR THE MONTH OF AUGUST, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF AUGUST, 2002: CRICKET, NETWORK BILLING SYSTEMS, GUARANTEED PHONE SERVICE, SPRINT, SPRINT SPECTRUM, GLYPHICS, GLOBALCOM, BIG PLANET, INC., SHAFFER, NEBRASKA TECHNOLOGY, TELCO DEVELOPMENT GROUP, EXCEL, ALLTEL NEBRASKA, ALLTEL SYSTEMS OF THE MIDWEST, MCLEOD USA, UNITED SYSTEMS ACCESS, MCI WORLDCOM NETWORK, ALLTEL#365, USA PAGING, QUANTUM SHIFT, IBM GLOBAL, BELL ATLANTIC - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED AUGUST, 2002 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81746 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended August 31, 2002, \$114,147.65 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Coleen Seng

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

ORDINANCES - 1ST READING

RENAMING PRESERVE LANE EAST OF THE INTERSECTION OF FIREBUSH LANE AND PRESERVE LANE AS "PRESERVE COURT" - CLERK read an ordinance, introduced by Coleen Seng, changing the name of Preserve Lane to Preserve Court located east of the intersection of Firebush Lane and Preserve Lane, as recommended by the Street Name Committee, the first time.

APPROVING AN EXCHANGE OF LAND BETWEEN THE CITY DBA LINCOLN ELECTRIC SYSTEM AND B&J PARTNERS IN CONJUNCTION WITH THE PUBLIC BUILDING COMMISSION PARKING GARAGE.(REQUEST FOR 2ND & 3RD READINGS 10/14/02) - CLERK read an ordinance, introduced by Coleen Seng, accepting and approving a Real Estate Sales Agreement between B & J Partnership, Ltd. (Seller) and the City of Lincoln, Nebraska and the County of Lancaster, Nebraska (Buyer) for the sale and exchange of certain property in conjunction with the Public Building Commission parking garage at 9th and K Streets, the

first time.

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUP ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY DELETING THE JOB CLASSIFICATIONS OF DEPUTY FIRE CHIEF OF EMS AND DEPUTY FIRE CHIEF OF ADMINISTRATION - CLERK read an ordinance, introduced by Coleen Seng, amending Section 1 of Ordinance No. 18050 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by deleting the job classifications "Deputy Fire Chief of EMS" and "Deputy Fire Chief of Administration", the first time.

AMENDING SECTIONS 2.76.015, POSITIONS COVERED BY RULES, TO CLARIFY LANGUAGE; 2.76.150, COMPENSATION PLAN, MERIT PAY PLAN, PAY INCREASES FOR EXCEPTIONAL SERVICE, TO REFLECT CHANGES RESULTING FROM THE NEW PAY PLAN FOR PAY RANGES PRECEDED BY THE LETTER "N" OR "X"; AND 2.76.200, COMPENSATION PLAN, TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION, TO REFLECT CHANGES TO BETTER ADDRESS APPOINTMENT TO "CREW LEADER" STATUS - CLERK read an ordinance, introduced by Coleen Seng, amending Chapter 2.76 of the Lincoln Municipal Code relating to Personnel Rules and Regulations by amending Section 2.76.015 to clarify the positions covered by said rules and regulations; amending Section 2.76.150 to incorporate the changes resulting from the new pay plan for pay ranges prefixed by "N" or "X"; amending Section 2.76.200 to better address the appointment of an employee to crew leader status; and repealing Sections 2.76.015, 2.76.150, and 2.76.200 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUPS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "X" BY CREATING THE CLASSIFICATIONS OF PROSECUTION ASSISTANT, EMPLOYMENT CLERK, OFFICE ASSISTANT, SENIOR OFFICE ASSISTANT, AND OFFICE SPECIALIST - CLERK read an ordinance, introduced by Coleen Seng, amending Section 1 of Ordinance No. 18053 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "X" by creating the job classifications of "Prosecution Assistant," "Employment Clerk," "Office Assistant," "Senior Office Assistant," and "Office Specialist", the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" AND "C" BY CREATING THE JOB CLASSIFICATION OF TRANSPORTATION PLANNER; CHANGING THE TITLE OF CRIME ANALYSIS TECHNICIAN TO CRIME ANALYST; AND DELETING THE JOB CLASSIFICATIONS OF ENGINEERING TECHNICIAN AND LANDSCAPE ARCHITECT - CLERK read an ordinance, introduced by Coleen Seng, amending Section 1 of Ordinance No. 18047 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by creating the job classifications of "Transportation Planner," and deleting the job classification of "Landscape Architect"; and amending Section 3 of Ordinance No. 18047 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by changing the title of current job classification "Crime Analysis Technician" to "Crime Analyst" and deleting the job classification of "Engineering Technician", the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "N" BY CREATING THE JOB CLASSIFICATIONS OF OFFICE ASSISTANT, SENIOR OFFICE ASSISTANT, OFFICE SPECIALIST, OFFICE MANAGER, PUBLICATIONS SPECIALIST, POLICE SERVICES SPECIALIST, POLICE RECORDS TECHNICIAN, CRIME ANALYSIS TECHNICIAN, PERMIT ASSISTANT, AND ANIMAL CONTROL DISPATCHER - CLERK read an ordinance, introduced by Coleen Seng, amending Section 1 of Ordinance No. 18051 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by creating the job classifications of "Office Assistant", "Senior Office Assistant", "Office Specialist", "Office Manager", "Publications Specialist", "Police Services Specialist", "Police Records Technician", "Crime Analysis Technician", "Permit Assistant", and "Animal Control Dispatcher", the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY URBAN DEVELOPMENT DEPARTMENT AND HAYMARKET SQUARE FOR THE LEASE OF OFFICE SPACE LOCATED AT 808 P STREET, SUITE 400, FOR A THREE YEAR TERM COMMENCING MARCH 1, 2003. REQUEST TO

HAVE 2ND & 3RD READING 10/14/02) (CAMP - CONFLICT OF INTEREST) - CLERK read an ordinance, introduced by Coleen Seng, accepting and approving a Lease Agreement between the City of Lincoln and Haymarket Square for the lease of office space by the Urban Development Department at 808 P Street, Suite 400, Lincoln, Lancaster County, Nebraska for a three year term commencing February 15, 2003, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY URBAN DEVELOPMENT DEPARTMENT AND LANCASTER COUNTY FOR THE LEASE OF OFFICE SPACE LOCATED AT TRABERT HALL, 2202 SOUTH 11TH STREET FOR A THREE YEAR TERM COMMENCING MARCH 1, 2003. (REQUEST TO HAVE 2ND & 3RD READING 10/14/02) - CLERK read an ordinance, introduced by Coleen Seng, accepting and approving a lease of office space by the Urban Development Department at Trabert Hall, 2202 South 11th Street, Lincoln, Lancaster County, Nebraska for a three year term commencing February 15, 2003, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AGING SERVICES DEPARTMENT AND LINCOLN INVESTMENT GROUP, L.L.C. FOR THE LEASE OF OFFICE SPACE LOCATED AT 1001 O STREET FOR A TEN YEAR TERM COMMENCING MARCH 1, 2003. (REQUEST TO HAVE 2ND & 3RD READING 10/14/02) - CLERK read an ordinance, introduced by Coleen Seng, accepting and approving a Lease Agreement between the City of Lincoln and Lincoln Investment Group L.L.C. for the lease of office space by the Aging Services Department at 1001 "O" Street, Lincoln, Lancaster County, Nebraska for a ten year term commencing February 15, 2003, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AGING SERVICES DEPARTMENT AND COMMERCE COURT FOR THE LEASE OF OFFICE SPACE LOCATED AT 1230 O STREET, SUITE 400, FOR A TEN YEAR TERM COMMENCING MARCH 1, 2003. (REQUEST TO HAVE 2ND & 3RD READING 10/14/02) - CLERK read an ordinance, introduced by Coleen Seng, accepting and approving a Lease Agreement between the City of Lincoln and FMA Realty, Inc. on behalf of Wells Fargo Bank, Nebraska, NA, for the lease of office space by the Aging Services Department at Commerce Court, 1230 "O" Street, Suite 400, Lincoln, Lancaster County, Nebraska for a ten year term commencing February 15, 2003, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AGING SERVICES DEPARTMENT AND LANCASTER COUNTY FOR THE LEASE OF OFFICE SPACE LOCATED AT TRABERT HALL, 2202 SOUTH 11TH STREET FOR A THREE YEAR TERM COMMENCING MARCH 1, 2003. (REQUEST TO HAVE 2ND & 3RD READING 10/14/02) - CLERK read an ordinance, introduced by Coleen Seng, accepting and approving a Lease Agreement between the City of Lincoln and Lancaster County for the lease of office space by the Aging Services Department at Trabert Hall, 2202 South 11th Street, Lincoln, Lancaster County, Nebraska for a five year term commencing February 15, 2003, the first time.

ORDINANCES - 3RD READING

VACATING NIGHTHAWK ROAD WEST OF N.W. 6TH STREET WITHIN FALLBROOK ADDITION, GENERALLY LOCATED NORTH OF FALLBROOK BLVD. AND WEST OF N.W. 6TH STREET - PRIOR to reading:

CAMP Moved to suspend the rules to have 3rd reading & action this date. Seconded by McRoy & carried by the following vote: AYES: Camp, McRoy, Seng, Svoboda, Werner; NAYS: Cook, Friendt.

CLERK Read the following ordinance, introduced by Annette McRoy, vacating Nighthawk Road west of N.W. 6th Street within Fallbrook Addition, generally located north of Fallbrook Blvd. and west of N.W. 6th Street, the third time.

McROY Moved to pass the ordinance as read. Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18070**, is recorded in Ordinance Book 25, Page

RENAMING THE STUB STREET RUNNING EAST FROM TALLGRASS PARKWAY FROM "NIGHTHAWK ROAD" TO "BLUE SAGE BOULEVARD", GENERALLY LOCATED AT HIGHWAY 34 AND FALLBROOK BOULEVARD - CLERK read an ordinance, introduced by Glenn

Friendt, renaming the stub street running east from Tallgrass Parkway from "Nighthawk Road" to "Blue Sage Boulevard", generally located at Highway 34 and Fallbrook Boulevard, the third time.

FRIENDT Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18071, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

CREATING IMPROVEMENT DISTRICT NO. 183 IN S.W. 8TH STREET FROM WEST C STREET TO HANNEMAN DRIVE AND ASSESSING THE COST THEREOF TO THE BENEFITTED PROPERTIES. (5/20/02 - Placed on Pending) - CLERK requested to remove Bill No. 02-58 from Pending & Withdraw.

CAMP So moved.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, having been **WITHDRAWN**, was assigned File #38-4415, & placed on file in the Office of the City Clerk.

CAMP Moved to extend the Pending List to October 14, 2002.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS

APPOINTING KATHLEEN (KAY) YOUNG AND JIM HILLE TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING AUGUST 17, 2005. (Request to suspend rules to have action 10/07/02) - PRIOR to reading:
WERNER Moved to suspend the rules to have action on Bill No. 02R-220 this date.
Seconded by Friendt & carried by the following vote: AYES: Friendt, McRoy, Seng, Svoboda, Werner; NAYS: Camp, Cook. (**See Council action under "Resolutions".**)

REAPPOINTING SHERYL BURBACH TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 17, 2005. (Request to suspend rules to have action 10/07/02) - PRIOR to reading:
WERNER Moved to suspend the rules to have action on Bill No. 02R-220 this date.
Seconded by Friendt & carried by the following vote: AYES: Friendt, McRoy, Seng, Svoboda, Werner; NAYS: Camp, Cook. (**See Council action under "Resolutions".**)

CAMP Moved to approve the resolutions to have Public Hearing on October 14, 2002.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

3:32 P.M.

CAMP Moved to adjourn the City Council meeting of October 7, 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, Office Assistant III

REGULAR MEETING
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