

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 14, 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

CAMP Having been appointed to read the minutes of the City Council proceedings of October 7, 2002, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF CHACE ENTERPRISES DBA "SILVER SPOKE SALOON" FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN AN AREA MEASURING 75' BY 25' IN THE PARKING LOT AT 1029 M STREET ON OCTOBER 19, 2002 FROM 8:00 A.M. TO 1:00 A.M. - Bob Valentine, 2660 Park Avenue came forward in opposition suggesting that until the City provides additional police protection, liquor licenses should not be granted by the Council.

This matter was taken under advisement.

MANAGER APPLICATION OF WAYNE L. VENTER FOR LANCASTER COUNTY AGRICULTURAL SOCIETY DBA "LANCASTER EVENT CENTER" AT 4100 N. 84TH STREET - Wayne Venter, 5140 South 67th Street, came forward, took the oath to answer potential questions by the Council.

Bob Valentine, 2660 Park Avenue, came forward in opposition.

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;

MANAGER APPLICATION OF JAMES T. GLENN FOR BJT, L.L.C. AT 1211 O STREET - James T. Glenn, 2130 S. 9th Street, came forward, took the oath and answered questions posed by various Council members.

Don Taute, Assistant City Attorney, came forward to answer questions.

Chief of Police, Tom Casady, came forward to answer questions regarding his recommendation on this application. He suggested that this particular area of downtown Lincoln is of concern.

Investigator Russ Fosler, came forward to answer questions. He indicated he included the manager's criminal history report to the Council so that they might be able to see what had occurred in the past 2-3 years.

Bob Valentine, 2660 Park Avenue, came forward to express he knew that regardless of the vote of the City Council, the State Liquor Commission could still grant this liquor license. He suggested that the Council have a checklist of qualifications for each applicant and that the Responsible Hospitality Manager Classes be taken in advance of the manager's application.

Julie Buller, owner of Jimmy Aces Restaurant, came forward in favor of Mr. Glenn's application. She reported she will be doing the book work, but will also take the classes that are recommended.

Mr. Glenn returned for rebuttal. He explained the violations on his record and answered additional questions posed by Council members.

This matter was taken under advisement.

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)(COUNCILMAN CAMP HAS DECLARED A CONFLICT OF INTEREST);

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) - Councilman Camp asked to be excused due to Conflict of Interest.

Marc Wullschleger, Director of Urban Development came forward to

explain the potential lease proposals before Council for Urban Development. The Old Federal Building needs to be vacated by March 1, 2003. Urban Development needs 7,000 sq. feet of office space in the downtown area for a period of 3 years with one year extensions after that.

Vince Mejer, City-County Purchasing Agent, came forward to explain the Request for Proposal process. Fourteen proposals were received and the selection committee narrowed that to one clear firm and authorized the committee to negotiate with that firm. The committee recommends the Haymarket Square Group.

Mark Bowen, Mayor's Chief of Staff, came forward and explained how Trabert Hall got into the process when the County and Public Building Commission offered this option. So Trabert Hall is also listed on the agenda as an option for the Council to consider.

Mr. Wullschleger returned to the podium to answer various questions posed by Council members.

Don Killeen, Property Management, came forward to answer questions and explain the costs on Trabert Hall, improvements needed and potential compliances needed to occupy this space.

Charlie Meyer, Chair of Downtown Lincoln Association, came forward in support of keeping the government offices in the downtown area. He explained that it would be in keeping with the requirements of the Comprehensive Plan to keep government offices in downtown Lincoln the efficiency of less travel to meetings; the consistency of building codes and standards and the cost of retrofitting to the specified needs; and the comparable rates of each building that is being considered. He encouraged the Council to not include Trabert Hall in their final decision.

Craig Groat, 4935 Huntington St., came forward in opposition to the two agencies moving out of the Old Federal Building.

Mike Grieger, 2645 Van Dorn Street, came forward in opposition.

Joel Pedersen, Asst. City Attorney, came forward to clarify and ask a representative from each party if they would be willing to sign proposed leases as they are presented today.

Polly McMullen, Downtown Lincoln Assoc., came forward to answer Council member questions regarding the tax base in the City of Lincoln and Lancaster County. The tax base was in a steep decline after the late 1980's when approx. 1,000,000 sq. feet of retail space was lost. Now due to a shared vision for downtown being a mixed use center, rather than just retail, the decline in property values has been reversed and each time a building is invested in or upgraded, that really builds the tax base of the City.

Mr. Wullschleger came forward to answer additional questions regarding the March 1st date to vacate the Old Fed. Bldg. and if there will be a penalty if the City offices do not get moved out on schedule.

Mr. Bowen, came forward to offer photocopies of the benefits of Old Federal Building being redeveloped.

Mr. Pedersen, came forward to answer additional questions regarding Councilman Camp's involvement in these proceedings. This matter was reviewed by political accountability and disclosure and is not participating in this discussion today as a result.

Mr. Wullschleger returned to clarify one other issue regarding a penalty with NuStyle if Urban Development and Aging Dept. are not moved out in a timely manner. The City is bound by the redevelopment agreement it has signed.

This matter was taken under advisement.

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;

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;

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 FIVE YEAR TERM COMMENCING MARCH 1, 2003 - Marc Wullschleger, Director of Urban Development, came forward to explain the leases for the Aging Department. The Aging Dept. needs 14,000 sq. feet of office space and storage. He stated that their move in date needed to be by February 15, 2003.

Vince Mejer, Purchasing Agent, came forward to explain RFP process that the committee went through. He stated they had ten proposals and the number was narrowed to four viable buildings to consider.

Mark Bowen, Mayor's Chief of Staff, came forward to explain how

the Trabert Hall building was offered by the County Board. He answered various questions posed by Council members.

Mr. Wullschleger returned to answer additional Council member questions.

Mr. Mejer returned to answer additional questions regarding the final prices that were negotiated.

Joel Pedersen, Asst. City Attorney, came forward to state not all proposals were submitted in the same fashion with the storage and square footage being treated differently between the various buildings. He stated that the \$12.60 per square foot was the lowest negotiated number we had and that was from the Commerce Court Building. He reminded the Council of the compressed time period that this whole situation is under.

Discussion ensued among Council members.

Dr. Deepak Gangahar, 3120 Durado Ct., came forward to explain why he got involved with the Lincoln Building. He assured the Council that their organization could make the building safe, that they could get the building on the Federal Historic Registry, and to have access to covered parking. He stated that they were unhappy with the RFP process due to the fact that Trabert Hall had been added to the list of options after the RFP process was supposed closed. He suggested that this body of government needs to be consistent and be objective.

Ravi Maniktala, 9300 Tuscan Ct., came forward and spoke in favor of the Lincoln Building as well. He suggested a list of advantages the Aging Dept. would have by renting from them.

Richard Meginnis, 2720 Katy Cr. and representing the Leasing Dept. of the Wells Fargo Bank, came forward and explained the benefits of his building, Commerce Court. The major benefit of their location would be the ability to house the Aging offices on one floor.

Gene Leach, 1521 Buckingham Dr., came forward, regarding his building at 1621 M Street. He was in opposition to the process that had occurred for the RFP's. He explained the benefits of his location.

Craig Groat, 4935 Huntington Street, came forward in opposition. He again stated the City should have never given away the Old Federal Bldg.

Bob Valentine, 2660 Park Avenue, came forward with the observation that eventually government will have to divest themselves of building ownership.

Mr. Wullschleger, came forward for clarification. The 2nd and 3rd reading is not needed on the Urban Development Dept. as much as it is for Aging Dept.

This matter was taken under advisement.

4:15 P.M. COUNCIL BREAK

4:30 P.M. RECONVENED

AUTHORIZING THE USE OF PUBLIC RIGHT-OF-WAY TO BURY FIBER OPTIC LINE ALONG THE SOUTH SIDE OF O STREET FROM A POINT 290 FEET EAST OF WEDGEWOOD DRIVE, WEST 910 FEET TO AN EXISTING VAULT JUST WEST OF 70TH STREET -Joe Dixon, 600 ½ Grant Ave, York, NE, representing Galaxy Network Services, came forward to explain that the "O" Street reconstruction has caused the need for their company to bury the cable.

This matter was taken under advisement.

SPECIAL PERMIT 1984 - APPLICATION OF DAVID AND DOREEN MILLER FOR A PARKING LOT ON RESIDENTIALLY ZONE PROPERTY GENERALLY LOCATED AT SOUTH 17TH AND WASHINGTON STREETS - Brian D. Carstens, 601 Old Cheney Rd., Suite, C, representing Miller Electric, came forward to explain the need for the parking lot.

This matter was taken under advisement.

ADOPTING THE CHANGES IN THE ACCESS RULES THAT HAVE BEEN PROPOSED BY THE CABLE TELEVISION ADVISORY BOARD - Bob Valentine, 2660 Park Ave., came forward to ask what the changes involved. Council Chair Cook explained that it does not allow candidates to have as much access to 5 City TV once they had declared their candidacy.

Glen Cekal, 1420 C St., came forward to ask if the Natural Resources District could have access to Channel 5.

Diane Gonzolas, Manager of Citizen Information Center, came forward to clarify that the rules changes came from the Cable TV Advisory Board and not from any one particular person. The rules already prohibit doing programs which advocate one position in connection with any ballot issue.

Discussion ensued among Council members and members asked Ms. Gonzolas additional questions.

This matter was taken under advisement.

APPROVING A MULTI-YEAR LEASE BETWEEN THE CITY OF LINCOLN PARKS AND RECREATION DEPARTMENT AND NEBRASKA WESLEYAN UNIVERSITY FOR THE IMPROVEMENT OF AND USE OF THE BASEBALL FIELD LOCATED IN WOODS PARK. (9/9/02 - To have 2nd Reading on 9/30/02) (Public Hearing con't with action on 10/14/02) (Request of Parks Dept. to delay P.H. & Action to 10/21/02) - Craig Groat, 4935 Huntington St., came forward and read from the Code of Federal Regulations of Title 9, Section 106.41. He suggested that Nebraska Wesleyan needs to make improvements at University Place Park and should be made to bring their own fields up to standards.

Don Taute, Asst. City Attorney, came forward to answer Council questions if we, as the City, have a liability in our lease agreement with Wesleyan and if Wesleyan is in compliance with Title 9.

Bob Valentine, 2660 Park Avenue, came forward in opposition to this matter.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mike Grieger, 2645 Van Dorn Street, came forward to explain the situation about the St. George Building that he owns in downtown Lincoln. He explained he personally didn't have the money to continue to rebuild it.

Mike Morossin, 2055 S St., came forward to show the condition of a house in the Malone Neighborhood, where the disrepair and weeds are growing. He explained that houses such as these help create drug problems. He also showed two plastic pop bottles full of needles that he has picked up in the neighborhood parks.

Glen Cokal, 1420 C Street, came forward to show photos of houses in his neighborhood that need to be painted and repaired. He suggested that a crime committee needs to be set up to take care of these issues.

Craig Groat, 4935 Huntington Street, came forward to speak about the danger of not having sidewalks along 70th Street and Antler Drive.

Charlie Swingle, 2800 Woods Blvd., came forward to tell about how he had almost been run over by a vehicle that was running a red light at Hwy. 2 and South 27th Street. He continued to observe the area the following day for about 7 ½ hours and counted approximately 33 vehicles in a 15 minute period running red lights. He suggested that the police department needs to patrol these areas and be writing tickets for those who are breaking the law.

These matters were taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF CHACE ENTERPRISES DBA "SILVER SPOKE SALOON" FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN AN AREA MEASURING 75' BY 25' IN THE PARKING LOT AT 1029 M STREET ON OCTOBER 19, 2002 FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81749 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 Chace Enterprises d/b/a "Silver Spoke Saloon" for a Special Designated License to cover an area measuring 75 feet by 25 feet in the parking lot at 1029 M Street, Lincoln, Nebraska, on the 19th day of October, between the hours of 8:00 a.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.

4. Responsible alcohol service practices shall be followed.
BE IT FURTHER RESOLVED 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 WAYNE L. VENTER FOR LANCASTER COUNTY AGRICULTURAL SOCIETY DBA "LANCASTER EVENT CENTER" AT 4100 N. 84TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81750 WHEREAS, Lancaster County Agricultural Society dba "Lancaster Event Center" located at 4100 N. 84th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Wayne L. Venter be named manager;

WHEREAS, Wayne L. Venter 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 Wayne L. Venter 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 Werner & 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 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval.

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

CAMP Moved to adopt for denial:

A-81751 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 for the license period ending April 30, 2003, at 1211 O Street, Lincoln, Nebraska, be refused for the following reasons:

1. The City Council has determined that the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are inadequate to support the proposed license.

2. The City Council has determined that the existing licenses are adequately serving the area.

3. The City Council has determined that issuance of the license would not be compatible with the nature of the neighborhood.

4. The applicant has not demonstrated the propriety of the issuance of such license.

5. The issuance of the license will not be required by the present or future public convenience and necessity.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF JAMES T. GLENN FOR BJT, L.L.C. AT 1211 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for denial:

A-81752 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 James T. Glenn as manager of BJT, L.L.C. dba "The Office" located at 1211 O Street, Lincoln, Nebraska, be denied. 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

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 second 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) - PRIOR to reading:

CAMP Moved to continue p.h. and action on 10/21/02.

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

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 second 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 second 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 second 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 second 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 second 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 second 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) - PRIOR to reading:

SVOBODA Moved to waive Council rules to have 2nd and 3rd Reading on this date.

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

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 second 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) - PRIOR to reading:

SVOBODA Moved to waive Council rules to have 2nd and 3rd Reading on this date.

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

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 second 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) - PRIOR to reading:

SVOBODA Moved to waive Council rules to have 2nd and 3rd Reading on this date.

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

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 second 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) - PRIOR to reading:

SVOBODA Moved to waive Council rules to have 2nd and 3rd Reading on this date.

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

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 second 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) - PRIOR to reading:

SVOBODA Moved to waive Council rules to have 2nd and 3rd Reading on this date.

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

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 second time.

RESOLUTIONS

Application of PIUS X HIGH SCHOOL BOOSTER CLUB AT 6000 A STREET TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM FEBRUARY 3, 2003 THROUGH MAY 3, 2003 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81753 WHEREAS, Pius X High School Booster Club - B.O.L.T. has made application for a permit to conduct a lottery 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 Pius X High School Booster Club - B.O.L.T. to conduct a lottery in the City of Lincoln in accordance with the application filed by Deb Schulte. 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 lottery chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Ken Svoboda

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

APPOINTING HELEN MEEKS TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81754 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Helen Meeks to the Community Health Endowment Board of Trustees for a three-year term expiring September 1,

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 CLAY SMITH, HELEN BOOSALIS, AND A. MICHAEL ALESIO TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 1, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81755 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Clay Smith, Helen Boosalis, and A. Michael Alesio to the Community Health Endowment Board of Trustees for three-year terms expiring September 1, 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 MATT MORRISSEY AND JOHN "JACK" LORENZEN TO THE WATER CONDITIONING BOARD OF EXAMINERS FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 4, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81756 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Matt Morrissey and John "Jack" Lorenzen to the Water Conditioning Board of Examiners for three-year terms expiring September 4, 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 MATT MORRISSEY TO THE EXAMINING BOARD OF PLUMBERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81757 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Matt Morrissey to the Examining Board of Plumbers for a three-year term expiring September 4, 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 THOMAS CHRISTIE, ANNETTE MCROY, AMIR AZIMI, AMRITA MAHAPATRA, AND CHARLES GREENE TO THE MULTICULTURAL ADVISORY COMMITTEE FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 18, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81758 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Thomas Christie, Annette McRoy, Amir Azimi, Amrita Mahapatra, and Charles Greene to the Multicultural Advisory Committee for three-year terms expiring September 18, 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.

APPOINTING JOHN HARRIS TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 18, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81759 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of John Harris to the Multicultural Advisory Committee for a three-year term expiring September 18, 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.

AUTHORIZING THE USE OF PUBLIC RIGHT-OF-WAY TO BURY FIBER OPTIC LINE ALONG THE SOUTH SIDE OF O STREET FROM A POINT 290 FEET EAST OF WEDGEWOOD DRIVE, WEST 910 FEET TO AN EXISTING VAULT JUST WEST OF 70TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81760 WHEREAS, Galaxy Network Services has submitted an application for a permit to use the public right-of-way along the south side of "O" Street from a point 290 feet east of Wedgewood Drive west 910 feet to an existing vault just west of 70th Street for the purpose of installing fiber optic cable to accommodate the "O" Street widening project; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.53 of the Lincoln Municipal Code pertaining to such use.

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

That the aforesaid application of Galaxy Network Services, hereinafter referred to as Permittee, to use the public right-of-way along "O" Street from a point 290 feet east of Wedgewood Drive west 910 feet to an existing vault just west of 70th Street as shown on Exhibit "B", for the purpose of installing fiber optic cable be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is subject to all the terms and conditions of Chapter 14.53 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a certificate of insurance evidencing a commercial or comprehensive general liability policy, or an acceptable substitute policy form, with a minimum combined single limit of \$500,000 aggregate for any one occurrence and naming the City as additional insured.

2. The work shall be constructed in accordance with plans and specifications approved by the Department of Public Works and Utilities. The cable, where it is underground, shall be laid to a minimum depth of 3½ feet from the top of the cable to the surface of the ground. All land surfaces and all pavement shall be restored to their original condition after the work is completed on each segment of the project. "As built" drawings shall be furnished to the City by the Permittee to show the precise locations, depths, and nature of all materials installed in accordance with the permit. The City shall have the right at any time when, in its judgment, it becomes necessary or advisable to require a change of location of said cable as a matter of safety, or on account of change of grade, resurfacing, repair, reconstruction of any street, alley, sidewalk, or other public ground, or the construction of any structure thereon, or for any other reason, all of which shall be done at the cost and expense of the Permittee in a good and workmanlike manner.

3. The Permittee shall pay to the City an annual rental for the use and occupancy of the space beneath said public street occupied by such use which rental shall be 5 percent of the annual gross revenues derived from the usage of such permitted cable. Gross revenues shall be defined in the same manner as provided in Section 5.16.040.

Said rental payments shall be made to the City Treasurer and shall be due and payable on the 1st day of October of each year; provided however, the amount of the initial payment required hereunder shall be pro-rated from the date when the permit is issued to the 1st day of October of the next year and payments shall be due and payable on October 1st thereafter. Rent shall become delinquent on the 1st day of December of each year and such delinquent rent shall bear interest at the rate of one percent per month until paid and if such rent is not paid for six months or more after such delinquent date, a penalty of five percent shall be added thereto in addition to said interest.

4. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittee, its successors and assigns.

5. Any additions, changes, modifications, amendments of the uses permitted herein shall require a new permit or other authorization.

6. That within 30 days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the

above-named Permittee shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

The Permittee shall, within thirty days after written demand, reimburse the City for all direct and indirect costs and expenses, as provided in Section 14.53.070, in connection with the issuance and review of this permit.

The Permittee shall sign and return the City's letter of acceptance to the City Clerk prior to commencing any work in the public right-of-way.

Introduced by Ken Svoboda

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

APPROVING A THREE-YEAR CONTRACT WITH CONTINUUM EMPLOYEE ASSISTANCE TO PROVIDE ASSESSMENT AND REFERRAL TO EMPLOYEES AND FAMILY MEMBERS FOR PERSONAL PROBLEMS WHICH MAY AFFECT JOB PERFORMANCE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81761 WHEREAS, there are employees working for the City of Lincoln who may, from time to time, experience problems which affect job performance; and

WHEREAS, Continuum Employee Assistance has established programs of assessment and referral in areas such as alcohol abuse, family, marital, emotional, financial, and legal concerns; and

WHEREAS, it is in the best interest of the employees of the City of Lincoln to have available to them the program of assisting and rehabilitating those employees who may have personal problems affecting job performance.

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

That the attached contract by and between the City of Lincoln and Continuum Employee Assistance, formerly known as the Lincoln Employee Assistance Program" for a term of January 1, 2003 through December 31, 2005, is hereby accepted and approved on behalf of the City and the Mayor is hereby authorized to execute said contract on behalf of the City and to bind the City pursuant to the terms and conditions contained in the said contract.

BE IT FURTHER RESOLVED that the fees for the services provided by Continuum Employee Assistance, pursuant to the terms and conditions of the contract, shall be \$62,000 for 2003, \$63,500 for 2004, and \$65,000 for 2005, all as set forth in the contract between the parties.

Introduced by Ken Svoboda

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 SEPTEMBER 16 - 30, 2002 - PRIOR to reading:

SVOBODA Moved to hold over the claim of Bonnie Newill to 10/21/02.

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 Ken Svoboda, who moved its adoption as amended:

A-81762 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 October 1, 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>
Trans PaC Solutions/Columbia Insurance Group (Cheryl Priess Dickey School of Dance)	\$10,262.67	American Family Insurance Group (Kimberly & Timothy Golden, Insureds) \$1,315.41
Bonnie Newill	361.96	Tex (Kent) E. Motschenbacher 400.00
Bo Deng	650.00	Steve Sehi 123.29
Colonial Heights Apartments	373.62	David & Doreen Miller, on behalf of their minor child, Dustin Miller 7,000.00

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 Ken Svoboda

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

SPECIAL PERMIT 1984 - APPLICATION OF DAVID AND DOREEN MILLER FOR A PARKING LOT ON RESIDENTIALLY ZONE PROPERTY GENERALLY LOCATED AT SOUTH 17TH AND WASHINGTON STREETS - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81763 WHEREAS, David and Doreen Miller have submitted an application designated as Special Permit No. 1984 for authority to construct a parking lot on residentially zone property located at South 17th and Washington Streets, and legally described to wit:

Lot "C" County Clerk's Subdivision of Lot 9, Block 2,
located in the Northwest Quarter of Section 36,
Township 10 North, Range 6 East of the 6th P.M.,
Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this parking lot 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 David and Doreen Miller, hereinafter referred to as "Permittee", to construct a parking lot in a residential area, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.170 of the Lincoln Municipal Code upon condition that construction and operation of said parking lot be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. The permit approves a parking lot in a residential district.
2. Before receiving building permits the construction plans must conform to the approved plans.
3. Before occupying the parking lot all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvement must be permanently maintained by the Permittee.
5. 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.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special 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 the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Ken Svoboda

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

ADOPTING THE CHANGES IN THE ACCESS RULES THAT HAVE BEEN PROPOSED BY THE CABLE TELEVISION ADVISORY BOARD - PRIOR to reading:

CAMP Moved to delay public hearing and action on Bill No. 02R-232 to 10/21/02.

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

APPROVING AN AMENDMENT TO THE PREVIOUSLY APPROVED APPROPRIATIONS FOR AN ADDITIONAL \$8,000 (\$4,000 CITY/\$4,000 COUNTY) FOR CEDARS YOUTH SERVICES FOR SERVICES TO THE MALONE CENTER - CLERK read the following resolution,

introduced by Ken Svoboda, who moved its adoption:

A-81764 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Amendment No. 1 to Grant Contract between the City of Lincoln, Nebraska and Cedars Youth Services, to amend the Grant Contract for service to the Clyde Malone Center by increasing the funding with an addition \$4,000.00 in accordance with the terms and conditions contained in said Amendment No. 1, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return an executed copy of the Amendment No. 1 to Kit Boesch, Administrator of Human Services, for transmittal to Cedars Youth Services.

Introduced by Ken Svoboda

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

APPROVING A TWO-YEAR AGREEMENT WITH AMERITAS GROUP DENTAL TO PROVIDE ADMINISTRATIVE SERVICES TO THE CITY FOR THE HANDLING AND ADMINISTRATION OF DENTAL CLAIMS - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81765 WHEREAS, the City of Lincoln provides a group dental insurance program available for participation by all employees; and

WHEREAS, the City's group dental insurance program had previously been a fully insured program through Ameritas Group Dental Insurance; and

WHEREAS, effective November 1, 2002, the City has determined it to be more fiscally prudent to self fund the employee's group dental insurance program; and

WHEREAS, it is necessary to have a third party administrator to handle claims for the City's self funded group dental insurance program.

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

That the attached Agreement between the City of Lincoln and Ameritas Group Dental for a term of November 1, 2002 through October 31, 2004 is hereby accepted and approved on behalf of the City and the Mayor is hereby authorized to execute said agreement on behalf of the City and to bind the City pursuant to the terms and conditions contained in the agreement for purposes of Ameritas Group Dental providing administrative services to the City for the processing of employee dental claims.

BE IT FURTHER RESOLVED that the fees for the services provided by Ameritas Group Dental, pursuant to the terms and conditions of the contract, shall be \$4.48 per employee for the agreement term, which agreement may be renewed for additional 12-month terms at the expiration of the initial two-year term.

Introduced by Ken Svoboda

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

RE-SETTING HEARING DATE TO OCT. 28, 2002 AT 5:30 P.M. FOR MAN. APP. OF TERRANCE M. CAROLAN FOR LINCOLN SPAGHETTI WORKS DBA LINCOLN SPAGHETTI WORKS LOCATED AT 228 N. 12TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81766 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 28, 2002, at 5:30 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 Ken Svoboda

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

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PETITION TO VACATE PUBLIC WAY THE NORTH-SOUTH ALLEY FROM NORTH LINE OF ST. PAUL AVENUE TO THE SOUTH LINE OF THE EAST-WEST ALLEY, SAME BLOCK, BETWEEN 48TH & 49TH STREETS SUBMITTED BY KEELAN KAISER - CLERK presented said petition, which was referred to the Law Dept.

PETITION TO VACATE PUBLIC WAY THE NORTH-SOUTH ALLEY FROM NORTH LINE OF ST. PAUL TO ½ BLOCK NORTH OF ST. PAUL, BETWEEN 48TH & 49TH, (2700, 2710, & 2714 N. 48TH ST.) SUBMITTED BY RUBY M. SCHNIEBER - CLERK presented said petition, which was referred to the Law Dept.

APP. OF NORTH AMERICAN MARTYRS, 931 WEST HARVEST DR., TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN - CLERK requested a motion to set the hearing date of Monday, October 21, 2002 at 1:30 p.m.:

SVOBODA So moved.

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

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

HP 77 - App. of Director of Urban Development for a historic preservation landmark of the Old Federal Building at 129 N. 10th Street.

Change of Zone 3377 - App. of Mayor Don Wesely for a change from P to B-4 for Old Federal Addition, 9th & O Street to facilitate private sector redevelopment of property.

Change of Zone 3384 - App. of Director of Planning from R-2 to O-2 at 201 Capitol Beach Blvd.

Change of Zone 3385 - App. of Brian D. Carstens for Vic & Kathleen Hannan from AGR to R-1 to allow development of two residential lots at South 66th Street & Pine Lake Rd.

Pre-Existing Use Permit 3AA - App. of Capital Sign Co. to change sign locations & sizes due to name change at 6100 O Street.

Pre-Existing Special Permit 27B - App. of ALLTEL to amend PESP #27 for the expansion of the parking lot at 5707 South 27th Street.

Special Permit 1869A - App. of Ross Engineering to change the use of the duplex units on Lot 1-10 to single family residences at Knights Court at 60th & South Street.

INFORMAL PETITION FOR A WATER DISTRICT IN 35TH STREET FROM VINE STREET TO T STREET SUBMITTED BY MARK C. VETTER - CLERK presented said petition, which was referred to the Public Works Dept.

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

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FROM SEPTEMBER 30 THRU OCTOBER 4, 2002 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption: A-81767 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 Ken Svoboda Seng

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON OCTOBER 7, 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 SEPTEMBER 30, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

SETTING A HEARING DATE OF MONDAY, NOVEMBER 4, 2002, AT 1:30 P.M. FOR BOARD OF EQUALIZATION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY AND DOWNTOWN MAINTENANCE DISTRICT - CLERK requested a motion to set the hearing date of Monday, November 4, 2002 at 1:30 p.m.

SENG So moved.

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

MAYOR'S VETO MESSAGE OF RESOLUTION NO. A-81727, SPECIAL PERMIT NO. 1985 PASSED BY COUNCIL ON SEPTEMBER 30, 2002:

SVOBODA Moved to override the Mayor's Veto.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: Werner.

ORDINANCES - 1ST READING

VACATING THE NORTH 18' OF GLADE STREET FROM SOUTH 48TH STREET EAST 124.2 FT. - CLERK read the following ordinance, introduced by Ken Svoboda, vacating the north 18' of Glad Street from South 48th Street east 124.1 feet, the first time.

AMENDING SECTION 4.24.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SPECIFIC POWERS AND DUTIES OF THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD TO SPECIFY THAT THE RATE-MAKING AUTHORITY RESERVED TO THE LINCOLN CITY COUNCIL RELATES TO RETAIL ELECTRIC RATES ONLY (REQUEST OF LES TO HAVE 2ND & 3RD READING 10/21/02) - CLERK read the following ordinance, introduced by Ken Svoboda, amending Section 4.24.070 of the Lincoln Municipal Code relating to the specific powers and duties of the Lincoln Electric System Administrative Board to specify that the rate-making authority reserved to the Lincoln City Council relates to retail electric rates only, the first time.

CHANGE OF ZONE 71HP - APPLICATION OF THE HISTORIC PRESERVATION COMMISSION TO DESIGNATE THE SOPHY TEETERS NURSES' HOME LOCATED AT BRYAN LGH WEST AT 1650 LAKE STREET, AS A LANDMARK - CLERK read the following ordinance, introduced by Ken Svoboda, for a Change of Zone 71HP, the application of the historic preservation commission to designate the Sophy Teeters Nurses' Home located at Bryan LGH West at 1650 Lake Street, as a landmark, the first time.

CHANGE OF ZONE 76HP - APPLICATION OF THE SIGMA PHI EPSILON FOUNDATION OF NEBRASKA TO DESIGNATE THE SIGMA PHI EPSILON HOUSE AT 601 NORTH 16TH STREET, AS A LANDMARK - CLERK read the following ordinance, introduced by Ken Svoboda, for Change of Zone 76HP, the application of the Sigma Phi Epsilon Foundation of Nebraska to designate the Sigma Phi Epsilon House at 601 North 16th Street, as a landmark, the first time.

CHANGE OF ZONE 3378 - APPLICATION OF THE NEAR SOUTH NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-5 RESIDENTIAL AND R-6 RESIDENTIAL TO R-2 RESIDENTIAL ON PROPERTY LOCATED IN THE "MOUNT EMERALD" AREA OF THE NEAR SOUTH NEIGHBORHOOD GENERALLY LOCATED AT SOUTH 18TH STREET TO SOUTH 21ST AND 22ND STREETS, FROM A TO F STREETS - CLERK read an ordinance, introduced by Ken Svoboda, for a Change of Zone 3378, the application of the Near South Neighborhood Association for a change of zone from R-5 Residential and R-6 Residential to R-2 Residential on property located in the "Mount Emerald" area of the Near South Neighborhood generally located at South 18th Street to South 21st and 22nd Streets, from A to F Streets, the first time.

ORDINANCES - 3RD READING

APPROVING A MULTI-YEAR LEASE BETWEEN THE CITY OF LINCOLN PARKS AND RECREATION DEPARTMENT AND NEBRASKA WESLEYAN UNIVERSITY FOR THE IMPROVEMENT OF AND USE OF THE BASEBALL FIELD LOCATED IN WOODS PARK. (9/9/02 - To have 2nd Reading on 9/30/02) (Public Hearing con't with action on 10/14/02) (Request of Parks Dept. to delay P.H. & Action to 10/21/02) - PRIOR to reading:

CAMP Moved to delay p.h. and action to 10/21/02.
Seconded by Friendt and carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MISCELLANEOUS BUSINESS

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

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MCROY Moved to reconsider Resolution A-81742 (Bill No. 02R-217) on 10/21/02.
Seconded by Friendt & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: Cook, Werner.

PENDING LIST -

CAMP Moved to extend the Pending List to October 21, 2002.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CAMP Moved to approve the resolutions to have Public Hearing on October 21, 2002.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

6:25 P.M.

CAMP Moved to adjourn the City Council meeting of October 14, 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

Glenna Graupmann, Office Assistant III

