

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 20, 2009 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Emery; Council Members: Camp, Carroll, Cook, Hornung, Snyder, Spatz; City Clerk, Joan E. Ross.

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

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of July 13, 2009 reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

PUBLIC HEARING

APPLICATION OF LINCOLN PUB GROUP, INC. DBA N-ZONE FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 65 FEET BY 50 FEET IMMEDIATELY ADJACENT TO ITS LICENSED PREMISES LOCATED AT 728 ½ Q STREET ON SEPTEMBER 5, 12, 26; OCTOBER 17, 24; NOVEMBER 7, 21, 2009 FROM 8:00 A.M. TO 12:00 A.M. - Mike Figueroa, 728 Q Street, took oath and was available for questions.

This matter was taken under advisement.

APPLICATION OF OLD FEDERAL PLACE, LLC DBA JASMINE ROOM FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 260 FEET BY 27 FEET IMMEDIATELY ADJACENT TO THE NORTH OF ITS LICENSED PREMISES LOCATED AT 129 N. 10TH STREET ON SEPTEMBER 5, 12, 26; OCTOBER 17, 24; NOVEMBER 7, 21, 2009 FROM 8:00 A.M. TO 1:00 A.M. Monte Froelich, 129 N. 10th Street, took oath and was available for questions.

This matter was taken under advisement.

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE REGARDING TAX-QUALIFIED PLAN LANGUAGE TO OBTAIN A NEW FAVORABLE LETTER OF DETERMINATION FROM THE INTERNAL REVENUE SERVICE - John Cripe, Personnel Dept., stated the Personnel Department received notification from the attorneys for the Police and Fire Pension that there have been changes in the Federal law of the pension plan needed to retain tax qualifications. They have been put in ordinance form for the City Council's approval.

This matter was taken under advisement.

AMENDING SECTION 1 OF ORDINANCE NO. 19240, PASSED BY THE CITY COUNCIL ON APRIL 27, 2009, TO INCLUDE BLOCKS 23, 24 AND 25, CUSHMAN ADDITION, IN THE ANNEXATION OF LAND GENERALLY LOCATED AT N.W. 48TH STREET AND WEST O STREET - Marvin Krout, Director of Planning, stated this is a technical correction to the ordinance. A legal description of property that has already been annexed needed to be revised.

This matter was taken under advisement.

CHANGE OF ZONE 09009 - AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTION 27.69.020 TO REVISE AND ADD DEFINITIONS; BY ADDING A NEW SECTION 27.69.021 TO ADD A FIGURE 1, GENERAL SIGN TYPES; BY ADDING A NEW SECTION 27.69.022 TO PROVIDE METHODS TO CALCULATE THE SIGN AREA OF VARIOUS SIGNS; BY AMENDING SECTION 27.69.030 TO PROVIDE GENERAL REQUIREMENTS FOR SIGNS INCLUDING LOCATION, HEIGHT, SIGN AREA, ILLUMINATION, AND ADDITIONAL PROVISIONS FOR CERTAIN SPECIFIC TYPES OF SIGNS; BY AMENDING SECTION 27.69.040 TO ADOPT SIGN TABLES SETTING FORTH THE SIGN REQUIREMENTS FOR VARIOUS TYPES OF SIGNS; BY REPEALING SECTIONS 27.69.041, 27.69.042, 27.69.043, 27.69.044, 27.69.045, 27.69.046, 27.69.047, 27.69.048, 27.69.049, 27.69.050, 27.69.060, 27.69.070, 27.69.075, 27.69.080, 27.69.081, 27.69.083, 27.69.130, 27.69.170, AND 27.69.210; BY AMENDING SECTIONS 27.69.090, 27.69.220, 27.69.240, 27.69.260, AND 27.69.330 TO CHANGE A REFERENCE FROM GROUND SIGN TO FREESTANDING SIGN; BY AMENDING SECTION 27.69.100 TO PROVIDE REGULATIONS FOR NON-ILLUMINATED TEMPORARY REAL ESTATE, CONSTRUCTION AND NONCOMMERCIAL SIGNS; BY AMENDING SECTIONS 27.69.110, 27.69.140, 27.69.150, 27.69.180, 27.69.230, 27.69.240, AND 27.69.260 TO CLARIFY THAT A REFERENCE TO AREA IS REFERRING TO "SIGN AREA" OF A SIGN; BY AMENDING SECTION 27.69.160 TO DELETE A REQUIREMENT THAT THE LOCATION, SIZE AND ILLUMINATION OF A SIGN FOR A SPECIAL PERMITTED USE IN A RESIDENTIAL DISTRICT MUST BE SPECIFICALLY APPROVED AS PART OF THE SPECIAL PERMIT APPROVAL; BY AMENDING SECTION 27.69.250 TO MODIFY PROVISIONS REGARDING THE DISPLAY OF FLAGS; BY AMENDING SECTION 27.69.310 TO MODIFY PROVISIONS REGARDING ROOF SIGNS AS AN ALTERNATIVE TO A

FREESTANDING SIGN AND TO CHANGE A REFERENCE FROM POLE SIGN TO FREESTANDING SIGN; BY AMENDING SECTION 27.69.340 TO REVISE PROVISIONS FOR SIGNS IN PLANNED UNIT DEVELOPMENTS; AND REPEALING SECTIONS 27.69.020, 27.69.030, 27.69.040, 27.69.090, 27.69.100, 27.69.110, 27.69.140, 27.69.150, 27.69.160, 27.69.180, 27.69.220, 27.69.230, 27.69.240, 27.69.250, 27.69.260, 27.69.310, 27.69.330, AND 27.69.340 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Marvin Krout, Director of Planning, stated the sign provisions govern the size, height, and location of signs which is part of the zoning ordinance and part of Chapter 27 in the City Code. This will make the codes more user friendly by making it clearer, simpler, better organized and uses visual and graphic tables. The last rewrite was in 1979. They have worked closely with Building and Safety to make changes to consolidate similar standards, different kinds of business districts or office districts, changes in older commercial areas and some in the newer commercial areas. There are administrative changes such as changes in the height of signs in the front yard which has been increased and 5 feet in spacing or set back requirement is allowed to avoid easement or other obstruction that would otherwise be caused by some existing feature along the streetscape. Political signs are now considered temporary, non-commercial type of signs that will no longer have a required time limit.

Kaelee Bliemeister, 8039 Abigail Dr., Jessica Gehr, 2717 Anderson Dr., and Claire Rynearson, 911 N. 68th Street, representing the Drug Free Youth Board of the Lincoln Council on Alcoholism & Drugs, Inc., came forward to present a video prepared as a civic project in reference to wanting a ban on substance signage such as tobacco and alcohol which showed multiple signage of such products on poles in front of the stores.

Mr. Krout stated there are no restrictions placing signs dealing with alcohol or tobacco within some distance of a residential district. There is no rule that says you can't have signage of a certain content in general or within some distance from a sensitive land use. The signs at the convenience stores on poles of a temporary nature were illegal signs. Signs are not permitted on poles. Permanent window signs can cover 25% of the window area. Temporary signs on the windows would be considered part of the temporary signs allowed on walls which is up to 100 sq. ft. of temporary signage on building walls.

Bob Norris, 1140 N. 21st Street, Nebraska Neon Sign, came forward in support of the changes by staff making for an easier interpretation of the language which makes it easier for the business community.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$16,000,000 WATER REVENUE BONDS OF THE CITY - Don Herz, Director of Finance, stated if this is approved the City should receive it's bond ratings by the end of July and do a competitive bond sale on August 4th. This is the third series of bonds issued under the 2002 ordinance.

Lauren Wismer, Gilmore & Bell, 1248 O St, Ste. 710, this is the third series of bonds issued under the 2002 ordinance. The bonds are limited to the amount of \$16,000,000 and the underwriting discount is limited to 1%. The yield of the bond will not exceed 5½ %.

Scott Keene, Ameritas Corp., stated the current bond market is fairly unstable. Interest rates are fairly low so it is an opportune time for getting the market. The demand for a high quality bond is still fairly strong so expect to have good demand for these bonds.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 16 - 30, 2009 - John V. Hendry, City Attorney, came forward to request the Daniel Findley claim be removed from the denied list for further re-evaluation.

This matter was taken under advisement.

APPROVING THE NAMING OF THE NORTH 27TH STREET BRIDGE FOR THE MOPAC TRAIL AS THE ELAINE HAMMER BRIDGE - Terry Genrich, Parks & Recreation Dept., came forward to state Elaine Hammer had been involved with the trails for 30 years and the bridge on N. 27th Street was a pet project of hers.

This matter was taken under advisement.

APPROVING THE NAMING OF THE SHELTER AT THE JAMAICA NORTH TRAILHEAD NEAR 25TH AND SALTILLO ROAD AS THE BRYAN BACKHAUS SHELTER - Terry Genrich, Parks & Recreation Dept., came forward to state Bryan Backhaus was actively involved with the trails. His life was taken at an early age due to an illness.

This matter was taken under advisement.

APPROVING THE 2009-2010 MAINTENANCE AND MANAGEMENT BID BUDGETS AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR FISCAL YEAR 2009-10 - David Landis, Director of Urban Development, came forward with answers to questions from last weeks meeting. The management budget is \$533,000 and the maintenance budget is \$519,000. These amounts are frozen from last year so there is no increase. The City contributes to the BID maintenance in the amount of \$216,683.00 and \$48,825.00 tree replacement. By approving the budget this allows BID to do its assessment process.

Jon Weinberg, Chair of DLA, stated they appreciate all the support from the City Council.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR PARTICIPATION IN THE SW 40TH STREET/BNSF OVERPASS AND PAVING, CITY PROJECT NO. 700132;

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR PARTICIPATION IN THE ANTELOPE VALLEY PROJECT FUNDING - PHASE I;

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR PARTICIPATION IN THE 18TH AND HOLDREGE BRIDGE PROJECT, CITY PROJECT NO. 702615;

AMENDING AN EXISTING INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE NORTH LINCOLN QUIET ZONE PROJECT, CITY PROJECT NO. 702616 - Roger Figard, Public Works & Utilities Dept. & Railroad Transportation Safety Dist., came forward stating the Railroad Transportation Safety District provides revenue through it's annual budget and these four projects were approved for funding. The SW 40th Street viaduct has been budgeted for \$2.4 million; Antelope Valley Phase I is budgeted for \$2 million which will be the last contribution from RTSD to Antelope Valley in the east leg as the project is finished up; \$250,000 is budgeted in 2009-2010 for design right-of-way acquisition and demolition of the 18th and Holdrege Street bridge. The RTSD has proposed CIP money for the construction of the new trail bridge the following year. The final project is an additional \$108,000 in the North Lincoln Quiet Zone to help pay for some additional cost the City incurred with inflation on that project. The bridge at 18th and Holdrege will be torn down rather than repaired because the south girders underneath the bridge are nearly gone and the columns that hold up the bridge have very little structural integrity. It could continue to be restricted to pedestrians and bicycles, but the concern is that a car, train, truck or anyone underneath may bump into those columns which would bring the bridge down. It would not be cost effective to repair the bridge. It will cost approximately \$600,000 to \$650,000 to build a pedestrian bridge versus \$2.5 million to \$3.5 million to build a vehicular bridge with sidewalk facilities. A decision as to when to tear down the bridge will need to be made at a time that will limit the inconvenience to students and others who use this bridge. The installation of the wayside horn in the Northeast Quiet Zone has been completed. The signs will be put up in August at which time the horns will be able to go silent. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF CHILDREN AND FAMILY SERVICES AND THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT TO PROVIDE DIRECT MEDICAL SERVICES IN THE FORM OF HEALTH SCREENING AND VACCINATIONS TO REFUGEES BY THE HEALTH DEPARTMENT FOR THE PERIOD OF OCTOBER 1, 2008 TO SEPTEMBER 30, 2010 - Judy Halstead, Health Dept., this rescinds a previous agreement with the Nebraska Health and Human Services. The State Department will be paying more money for this two year agreement.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE PUBLIC ASSOCIATION OF GOVERNMENT EMPLOYEES (PAGE) EFFECTIVE AUGUST 20, 2009;

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION EFFECTIVE AUGUST 20, 2009;

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN M CLASS EMPLOYEES ASSOCIATION (M) EFFECTIVE AUGUST 20, 2009;

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN CITY EMPLOYEES ASSOCIATION (LCEA) EFFECTIVE AUGUST 20, 2009 - John Cripe, Personnel Dept., stated these contracts have all been negotiated. The M class contract states unused vacation time cannot be carried over into a new

year. Many employees who have excess vacation time donate it to employees with medical issues who have exceeded their medical leave and vacation time.

Don Taute, Asst. City Attorney, stated the forfeiture language needs to go away so there is not any inconsistency. There is no vacation accrual. The state law specifically states that if the parties have otherwise agreed to the forfeiture it is not a problem.

Mr. Cripe stated the PAGE contract allows for a 1.75% cost of living increase in wages plus a merit raise if the employee has not received the maximum. Approximately 60% of City employees have reached the maximum merit raise and will only receive the cost of living raise. Many changes in employee classes have been changed to satisfy comparability. Discussion continued.

Coby Mach, LIBA, stated LIBA is not opposing these contracts today, but is coming forward to make the Council aware of the following issues. He mentioned that in the LCEA contract that the overtime hours worked in conjunction with snow removal shall be compensated at the rate of 1½ times the regular hourly rate of non-exempt employee regardless of whether the employee has taken any paid leave during the same paid week. Also, the tuition reimbursement has been raised to \$1,000. He mentioned a new section in the PAGE contract reference disciplinary action where prior to a pre-disciplinary meeting employees will be provided the names and addresses of all witnesses to the incident plus felt there was some contradiction to the language. He mentioned the contract also states upon retirement an employee will be paid one half of his remaining sick leave instead of one third. He mentioned the longevity pay for M Class was converted to the base hourly rate of pay effective 12/31/04 now longevity pay is being inserted back into their contract. The City will pay 98% of the dental plan for employee single coverage which currently is 75%.

Mr. Cripe stated the direction is to negotiate comparability on the contracts. The process is to go to the Mayor with regard to direction, meet with the Council members for questions, exchange with the Unions, cost them out, discuss them with the Council, discuss them with the Mayor then take direction from the Administration as to where they can or cannot go.

This matter was taken under advisement.

APPROVING THE 2009-10 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - Ben Higgins, Public Works & Utilities Dept., stated this agreement provides details how the City will work with NRD for sharing of stormwater projects. The funds from the City have been appropriated through bonds or grants, however, there is some money projected in the next budget year contingent upon Council approval.

This matter was taken under advisement.

APPROVING FUNDING AGREEMENTS BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR THE FOLLOWING ELIGIBLE PROJECTS: HOLDREGE STREET REHABILITATION, 33RD TO 47TH (PROJECT NO. LCLC-5244(7)); ADAMS STREET REHABILITATION, 57TH TO 62ND (PROJECT NO. LCLC-5250(3)); N. 70TH STREET REHABILITATION, AYLESWORTH TO VINE (PROJECT NO. LCLC-5247(12)); AND HOLDREGE STREET REHABILITATION, 70TH TO 79TH (PROJECT NO. LCLC-5400(13)) - Chad Blahak, Public Works & Utilities Dept., came forward to state this will provide authority for the Mayor to sign the funding agreements between the City and the State of Nebraska Department of Roads to go forward with four additional stimulus road projects that were chosen to replace the Antelope Valley Project which was removed from stimulus funding. These projects were selected based on which ones could be approved during the stimulus timeline. They are trying to eliminate bottlenecks on these streets. There will be an open house to discuss these projects two weeks from today. A map of where all of the five or six packages are in the 18 street segment for stimulus projects was requested along with a list of projects that will be done with local funds. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION**REPORTS OF CITY OFFICERS**

REPORT OF NEBRASKA DEPARTMENT OF ROADS 2010 - 2015 SURFACE TRANSPORTATION PROGRAM - CLERK presented said report which was placed on file in the Office of the City Clerk. (12)

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

CHANGE OF ZONE NO. 09016 - Requested by Kabredlo's, Inc., from O-2 Suburban Office District to B-3 Commercial District, on property legally described as Lot 10, Block 39, College View, located in the SW 1/4 of Section 5-9-7, Lancaster County, Nebraska, generally located at S. 48th Street and Meredith Street.

SPECIAL PERMIT NO. 09016 - Requested by Mental Health Assoc. of Nebraska, for a Health Care Facility more specifically convalescent home, with requests to waive requirements for front and side yard landscaping and required 10ft side yard on property legally described as Lot 4, Block 24, Knob Hill, located in the NE 1/4 of Section 2-9-6, Lancaster County, Nebraska, located at 2817 S. 14th Street.

SPECIAL PERMIT NO. 09018 - Requested by Gery VerMaas, for expansion of a nonstandard attached garage, on property legally described as the north 75 feet of Lot 12, Block 4, Knob Hill Addition, located in the NW 1/4 of Section 1-9-6, Lancaster County, Nebraska, generally located at S. 14th Street and Otoe Street.

SPECIAL PERMIT NO. 09020 - Requested by Kabredlo's, Inc., for expansion of a nonconforming use, on property legally described as Lots 10-12, Block 39, College View, located in the SW 1/4 of Section 5-9-7, Lancaster County, Nebraska, generally located at S. 48th Street and Meredith Street.

SETTING THE HEARING DATE OF MONDAY, AUGUST 3, 2009 AT 3:00 P.M. FOR THE APP. OF KWIK SHOP, INC. DBA KWIK SHOP #680 FOR A CLASS D LIQUOR LICENSE LOCATED AT 1441 N COTNER BLVD. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85429 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 3, 2009 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of KWIK Shop, Inc. dba KWIK Shop #680 for a Class D liquor license located at 1441 N. Cotner Boulevard.

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

Introduced by Jonathan Cook

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, AUGUST 3, 2009 AT 3:00 P.M. FOR THE APPLICATION OF SHOEMAKER'S TRUCK STATION, INC. DBA SHOEMAKER'S TRUCK STATION FOR A CLASS D LIQUOR LICENSE LOCATED AT 151 SW 48TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85430 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 3, 2009 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Shoemaker's Truck Station, Inc. dba Shoemaker's Truck Station for a Class D liquor license located at 4801 West O Street.

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

Introduced by Jonathan Cook

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, AUGUST 10, 2009 AT 1:30 P.M. FOR THE APP. OF TCN, INC. DBA CHINASIA CAFÉ FOR A CLASS A LIQUOR LICENSE LOCATED AT 2704 Y STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85431 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 10, 2009 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 Application of TCN, Inc. dba Chinasia Café for a Class A liquor license located at 2704 Y Street.

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

Introduced by Jonathan Cook

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

LIQUOR RESOLUTIONS

APPLICATION OF LINCOLN PUB GROUP, INC. DBA N-ZONE FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 65 FEET BY 50 FEET IMMEDIATELY ADJACENT TO ITS LICENSED PREMISES LOCATED AT 728 ½ Q STREET ON SEPTEMBER 5, 12, 26; OCTOBER 17, 24; NOVEMBER 7, 21, 2009 FROM 8:00 A.M. TO 12:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85432 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 Lincoln Pub Group, Inc. dba -Zone for a Special Designated License to cover an area measuring approximately 65 feet by 50 feet immediately adjacent to its licensed premises located at 728 ½ Q Street, Lincoln, Nebraska, on September 5, 12, 26, October 17, 24, and November 7, 21, 2009 between the hours of 8:00 a.m. and 12:00 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.

Introduced by Jon Camp

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPLICATION OF OLD FEDERAL PLACE, LLC DBA JASMINE ROOM FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 260 FEET BY 27 FEET IMMEDIATELY ADJACENT TO THE NORTH OF ITS LICENSED PREMISES LOCATED AT 129 N. 10TH STREET ON SEPTEMBER 5, 12, 26; OCTOBER 17, 24; NOVEMBER 7, 21, 2009 FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption for approval:

A-85433 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 Old Federal Place, LLC dba Jasmine Room for a Special Designated License to cover an area measuring approximately 260 feet by 27 feet immediately adjacent to the north of its licensed premises located at 129 N. 10th Street, Lincoln, Nebraska, on September 5, 12, 26, October 17, 24, and November 7, 21, 2009 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.

Introduced by Jane Snyder

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE REGARDING TAX-QUALIFIED PLAN LANGUAGE TO OBTAIN A NEW FAVORABLE LETTER OF DETERMINATION FROM THE INTERNAL REVENUE SERVICE - CLERK read an ordinance, introduced by Eugene Carroll, amending Title 2 of the Lincoln Municipal Code by amending Chapter 2.62, Police and Fire Pension Plan "A"; Chapter 2.65, Police and Fire Pension Plan "B"; and Chapter 2.66, Police and Fire Pension Plan "C" to provide for compliance with the Internal Revenue Code; and repealing Sections 2.62.040, 2.62.050, 2.62.055, 2.62.120, 2.62.230, 2.65.040, 2.65.050, 2.65.055, 2.65.120, 2.65.220, 2.66.040, 2.66.050, 2.66.055, 2.66.095, 2.66.200 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 1 OF ORDINANCE NO. 19240, PASSED BY THE CITY COUNCIL ON APRIL 27, 2009, TO INCLUDE BLOCKS 23, 24 AND 25, CUSHMAN ADDITION, IN THE ANNEXATION OF LAND GENERALLY LOCATED AT N.W. 48TH STREET AND WEST O STREET - CLERK read an ordinance, introduced by Eugene Carroll, amending Ordinance 19240 passed by the City Council of the City of Lincoln, Nebraska on May 4, 2009, to correct the legal description for the annexation of land generally located at N.W. 48th Street and West O Street to correspond with the map amendment (Attachment "A") showing the land to be annexed by including Blocks 23 and 24, except that portion conveyed to Burlington Northern (Inst. #71-16996) and all of Block 25, Cushman Addition to Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 09009 - AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTION 27.69.020 TO REVISE AND ADD DEFINITIONS; BY ADDING A NEW SECTION 27.69.021 TO ADD A FIGURE 1, GENERAL SIGN TYPES; BY ADDING A NEW SECTION 27.69.022 TO PROVIDE METHODS TO CALCULATE THE SIGN AREA OF VARIOUS SIGNS; BY AMENDING SECTION 27.69.030 TO PROVIDE GENERAL REQUIREMENTS FOR SIGNS INCLUDING LOCATION, HEIGHT, SIGN AREA, ILLUMINATION, AND ADDITIONAL PROVISIONS FOR CERTAIN SPECIFIC TYPES OF SIGNS; BY AMENDING SECTION 27.69.040 TO ADOPT SIGN TABLES SETTING FORTH THE SIGN REQUIREMENTS FOR VARIOUS TYPES OF SIGNS; BY REPEALING SECTIONS 27.69.041, 27.69.042, 27.69.043, 27.69.044, 27.69.045, 27.69.046, 27.69.047, 27.69.048, 27.69.049, 27.69.050, 27.69.060, 27.69.070, 27.69.075, 27.69.080, 27.69.081, 27.69.083, 27.69.130, 27.69.170, AND 27.69.210; BY AMENDING SECTIONS 27.69.090, 27.69.220, 27.69.240, 27.69.260, AND 27.69.330 TO CHANGE A REFERENCE FROM GROUND SIGN TO FREESTANDING SIGN; BY AMENDING SECTION 27.69.100 TO PROVIDE REGULATIONS FOR NON-ILLUMINATED TEMPORARY REAL ESTATE, CONSTRUCTION AND NONCOMMERCIAL SIGNS; BY AMENDING SECTIONS 27.69.110, 27.69.140, 27.69.150, 27.69.180, 27.69.230, 27.69.240, AND 27.69.260 TO CLARIFY THAT A REFERENCE TO AREA IS REFERRING TO "SIGN AREA" OF A SIGN; BY AMENDING SECTION 27.69.160 TO DELETE A REQUIREMENT THAT THE LOCATION, SIZE AND ILLUMINATION OF A SIGN FOR A SPECIAL PERMITTED USE IN A RESIDENTIAL DISTRICT MUST BE SPECIFICALLY APPROVED AS PART OF THE SPECIAL PERMIT APPROVAL; BY AMENDING SECTION 27.69.250 TO MODIFY PROVISIONS REGARDING THE DISPLAY OF FLAGS; BY AMENDING SECTION 27.69.310 TO MODIFY PROVISIONS REGARDING ROOF SIGNS AS AN ALTERNATIVE TO A FREESTANDING SIGN AND TO CHANGE A REFERENCE FROM POLE SIGN TO FREESTANDING SIGN; BY AMENDING SECTION 27.69.340 TO REVISE PROVISIONS FOR SIGNS IN PLANNED UNIT DEVELOPMENTS; AND REPEALING SECTIONS 27.69.020, 27.69.030, 27.69.040, 27.69.090, 27.69.100, 27.69.110, 27.69.140, 27.69.150, 27.69.160, 27.69.180, 27.69.220, 27.69.230, 27.69.240, 27.69.250, 27.69.260, 27.69.310, 27.69.330, AND 27.69.340 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 27.69 of the Lincoln Municipal Code relating to signs by amending Section 27.69.020 to revise and add definitions; by adding a new Section 27.69.021 to add a Figure 1, General Sign Types; by adding a new Section 27.69.022 to provide methods to calculate the sign area of various signs; by amending Section 27.69.030 to provide general requirements for signs including location, height, sign area, illumination, and additional provisions for certain specific types of signs; by amending Section 27.69.040 to adopt Sign Tables setting forth the sign requirements for various types of signs; by repealing Sections 27.69.041, 27.69.042, 27.69.043, 27.69.044, 27.69.045, 27.69.046, 27.69.047, 27.69.048, 27.69.049, 27.69.050, 27.69.060, 27.69.070, 27.69.075, 27.69.080, 27.69.081, 27.69.083, 27.69.130, 27.69.170, and 27.69.210; by amending Sections 27.69.090, 27.69.220, 27.69.240, 27.69.260, and 27.69.330 to change a reference from ground sign to freestanding sign; by amending Section 27.69.100 to provide regulations for non-illuminated temporary real estate, construction and noncommercial signs; by amending Sections 27.69.110, 27.69.140, 27.69.150, 27.69.180, 27.69.230, 27.69.240, and 27.69.260 to clarify that a reference to area is referring to "sign area" of a sign; by amending section 27.69.160 to delete a requirement that the location, size and illumination of a sign for a special permitted use in a

residential district must be specifically approved as part of the special permit approval; by amending Section 27.69.250 to modify provisions regarding the display of flags; by amending Section 27.69.310 to modify provisions regarding roof signs as an alternative to a freestanding sign and to change a reference from pole sign to freestanding sign; by amending Section 27.69.340 to revise provisions for signs in Planned Unit Developments; and repealing Sections 27.69.020, 27.69.030, 27.69.040, 27.69.090, 27.69.100, 27.69.110, 27.69.140, 27.69.150, 27.69.160, 27.69.180, 27.69.220, 27.69.230, 27.69.240, 27.69.250, 27.69.260, 27.69.310, 27.69.330, and 27.69.340 of the Lincoln Municipal Code as hitherto existing, the second time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$16,000,000 WATER REVENUE BONDS OF THE CITY - CLERK read an ordinance, introduced by Eugene Carroll, authorizing a Third Series Ordinance adopted under and pursuant to Ordinance No. 18088 of the City of Lincoln, Nebraska, authorizing the issuance of Water Revenue Bonds, Series 2009, of the City in a principal amount not to exceed sixteen million dollars (\$16,000,000); fixing in part and providing for the fixing in part of the details of the Bonds; providing for the sale of the Bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and related matters, the second time.

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 16 - 30, 2009 - PRIOR to reading:

COOK Moved to delete Daniel Findley from the Denied list for further review.

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK Read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85434 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 July 1, 2009, 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/SETTLED</u>	
Kristine A. Truex	\$100.00	Irma M. Plachy	\$ 62.50
Daniel Findley	NAS*	Malcolm Doil	27.78
Cory Richmond	200.00	Gerald L. Hubl	200.00
		Rebecca Hruby Seth	582.32
		Lanslot Pyne	1,263.02
		Susan Chocholousek	16,000.00

* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Eugene Carroll

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING THE NAMING OF THE NORTH 27TH STREET BRIDGE FOR THE MOPAC TRAIL AS THE ELAINE HAMMER BRIDGE- CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85435 A RESOLUTION naming the North 27th Street Bridge for the MoPac Trail generally located at North 27th Street south of Y Street, as the "Elaine Hammer Bridge" in recognition of Elaine Hammer's service to the community.

WHEREAS, Elaine Hammer has been a very active member of the community promoting trails and trail projects for over 30 years; and
WHEREAS, Elaine Hammer is a founding member of the Great Plains Trails Network, served on the committee that developed the Lincoln Area Trails Master Plan in 1989, and has been a long-time member of the Mayors Pedestrian/Bicycle Advisory Committee; and

WHEREAS, Elaine Hammer has been an energetic proponent for development of Lincoln's extensive trail system, has assisted with numerous fund raising campaigns for trail development projects and was a staunch proponent of the extension of the MoPac Trail from Peter Pan

Park at 33rd Street west to the UNL City Campus; and

WHEREAS, the bridge has been identified as a critical link in the MoPac Trail and Elaine Hammer was a driving force that made it happen.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the North 27th Street Bridge for the MoPac Trail be and it hereby is named as the "Elaine Hammer Bridge."

Introduced by Eugene Carroll

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING THE NAMING OF THE SHELTER AT THE JAMAICA NORTH TRAILHEAD NEAR 25TH AND SALTILLO ROAD AS THE BRYAN BACKHAUS SHELTER - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85436 A RESOLUTION naming the shelter at the Jamaica North Trailhead near 25th and Saltillo Road as the "Bryan Backhaus Shelter" in recognition of Bryan Backhaus's service to the community and related activities to bicycling.

WHEREAS, Bryan Backhaus was well known in the bicycle community for his activities related to bicycling and riding through Wilderness Park and becoming a co-owner of a bike shop; and

WHEREAS, Bryan Backhaus was involved in the community by volunteering for various causes and donating bikes and bike equipment for various charity events; and

WHEREAS, Bryan Backhaus died at the age of 22; and

WHEREAS, the naming of the shelter is in accordance with guidelines for naming a Parks and Recreation facility in memory of an individual after a donation of a majority of the value of a facility.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the shelter at the Jamaica North Trailhead near 25th and Saltillo Road be and it hereby is named as the "Bryan Backhaus Shelter."

Introduced by Eugene Carroll

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING THE 2009-2010 MAINTENANCE AND MANAGEMENT BID BUDGETS AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR FISCAL YEAR 2009-10 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85437 WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within various downtown business improvement districts; and

WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown Management and Maintenance Districts by the Downtown Lincoln Association.

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

That the attached 2009-2010 Maintenance and Management BID Budgets and Program of Work for the Downtown Lincoln Association Program for the period of September 1, 2009 to August 31, 2010 which is attached hereto and marked as Attachment "A" is hereby approved.

Introduced Eugene Carroll

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR PARTICIPATION IN THE SW 40TH STREET/BNSF OVERPASS AND PAVING, CITY PROJECT NO. 700132 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85438 WHEREAS, the Interlocal Cooperation Act, *Neb. Rev. Stat. § 13-801, et seq.*, permits local government units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln Lancaster County Railroad Transportation Safety District (District) desire to cooperate in funding the design and construction activities for the new bridge construction of the S.W. 40th Street/BNSF Overpass and Paving Project (City Project No. 700132).

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

That the Interlocal Agreement between the City and the District attached hereto as Attachment "A" in connection with the funding of the design and construction activities for the new bridge construction of the S.W. 40th Street/BNSF Overpass and Paving Project (City Project No. 700132) is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

Introduced by Eugene Carroll

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR PARTICIPATION IN THE ANTELOPE VALLEY PROJECT FUNDING - PHASE I - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85439 WHEREAS, the Interlocal Cooperation Act, *Neb. Rev. Stat. § 13-801, et seq.*, permits local government units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln Lancaster County Railroad Transportation Safety District (District) desire to cooperate in funding the design, right-of-way acquisition and construction activities for Phase 1 of the Antelope Valley Project.

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

That the Interlocal Agreement between the City and the District attached hereto as Exhibit "A" in connection with the funding of the design, right-of-way acquisition and construction activities for Phase 1 of the Antelope Valley Project is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

Introduced by Eugene Carroll

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR PARTICIPATION IN THE 18TH AND HOLDREGE BRIDGE PROJECT, CITY PROJECT NO. 702615 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85440 WHEREAS, the Interlocal Cooperation Act, *Neb. Rev. Stat. § 13-801, et seq.*, permits local government units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln Lancaster County Railroad Transportation Safety District (District) desire to cooperate in funding the design and construction activities for the 18th and Holdrege Bridge Project (City Project No. 702615).

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

That the Interlocal Agreement between the City and the District attached hereto as Attachment "A" in connection with the funding of the design and construction activities for the 18th and Holdrege Bridge Project (City Project No. 702615) is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

Introduced by Eugene Carroll

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

AMENDING AN EXISTING INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE NORTH LINCOLN QUIET ZONE PROJECT, CITY PROJECT NO. 702616 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85441 WHEREAS, the Interlocal Cooperation Act, *Neb. Rev. Stat. § 13-801, et seq.*, permits local government units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln/Lancaster County Railroad Transportation Safety District (District) previously entered into an Interlocal Agreement for the North Lincoln Quiet Zone Project by Resolution No. A-84324 on April 11, 2007 for safety improvements at the BNSF Railroad crossings at 70th Street, 44th Street, Adams Street, and 33rd Street for purpose of creating a quiet zone.

WHEREAS, the City and the District desire to amend the Interlocal Agreement by increasing the amount of funding by the District from a previously approved total amount of \$259,000.00 to a total of \$367,000.00 for the project.

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

That the Amendment to Interlocal Agreement between the City and the District attached hereto as Exhibit "A" in connection with the North Lincoln Quiet Zone Project in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute said Amended Agreement on behalf of the City.

Introduced by Eugene Carroll

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF CHILDREN AND FAMILY SERVICES AND THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT TO PROVIDE DIRECT MEDICAL SERVICES IN THE FORM OF HEALTH SCREENING AND VACCINATIONS TO REFUGEES BY THE HEALTH DEPARTMENT FOR THE PERIOD OF OCTOBER 1, 2008 TO SEPTEMBER 30, 2010 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85442 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the Lincoln-Lancaster County Health Department and the Nebraska Department of Health and Human Services Division of Children and Family Services whereby the Health Department will provide direct medical services in the form of health screening and vaccinations to refugees for the period of October 1, 2008 to September 30, 2010, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, is hereby ratified and approved and the Mayor is authorized to execute said Agreement on behalf of the City.

BE IT FURTHER RESOLVED that Resolution No. A-85162 adopted by the City Council on December 8, 2008, which approved the previous Agreement with the Nebraska Department of Health and Human Services for health screening and vaccinations to refugees, is hereby repealed and rescinded.

The City Clerk is directed to transmit one fully executed original Agreement to the to the Lincoln-Lancaster County Health Department for transmittal to Todd L. Reckling, Director, Division of Children and Family Services, Department of Health and Human Services.

Introduced by Eugene Carroll

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE PUBLIC ASSOCIATION OF GOVERNMENT EMPLOYEES (PAGE) EFFECTIVE AUGUST 20, 2009 - PRIOR to reading:

SPATZ Moved to delay Bill No. 09R-120 one week w/cont. public hearing and action to 7/27/09.

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION EFFECTIVE AUGUST 20, 2009 - PRIOR to reading:

SPATZ Moved to delay Bill No. 09R-121 one week w/cont. public hearing and action to 7/27/09.

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN M CLASS EMPLOYEES ASSOCIATION (M) EFFECTIVE AUGUST 20, 2009 - PRIOR to reading:

SPATZ Moved to amend and substitute page 11 of Agreement to Bill No. 09R-122 by adding the paragraph Under no circumstances, may the accumulated vacation leave exceed sixty (60) or eighty (80) hours over and above the employee's annual vacation leave amount.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

SPATZ Moved to delay public hearing and action on Bill No. 09R-122 for one week to 7/27/09.

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN CITY EMPLOYEES ASSOCIATION (LCEA) EFFECTIVE AUGUST 20, 2009 - PRIOR to reading:

SPATZ Moved to delay Bill No. 09R-123 for one week to 7/27/09.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING THE 2009-10 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85443 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Fiscal Year 2009 - 2010 Work Plan for the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Said Fiscal Year 2009 - 2010 Work Plan establishes a framework and division of responsibilities for addressing stormwater quality and quantity in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2009 - 2010 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Resolution and Fiscal Year 2009 - 2010 Work Plan for the Interlocal Agreement on Stormwater Management to Glenn Johnson, Lower Platte South Natural Resources District, PO Box 93581, Lincoln, NE 68501 and a copy of the same to Ben Higgins, Public Works and Utilities Department, 901 N. 6th Street, Lincoln, NE 68508.

Introduced by Eugene Carroll

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING FUNDING AGREEMENTS BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS PROVIDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR THE FOLLOWING ELIGIBLE PROJECTS: HOLDREGE STREET REHABILITATION, 33RD TO 47TH (PROJECT NO. LCLC-5244(7)); ADAMS STREET REHABILITATION, 57TH TO 62ND (PROJECT NO. LCLC-5250(3)); N. 70TH STREET REHABILITATION, AYLESWORTH TO VINE (PROJECT NO. LCLC-5247(12)); AND HOLDREGE STREET REHABILITATION, 70TH TO 79TH (PROJECT NO. LCLC-5400(13)) - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85444 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreements between the City of Lincoln and the State of Nebraska Department of Roads for the use of Federal Highway Infrastructure Investment Funds provided by the American Recovery and Reinvestment Act of 2009 for the following eligible projects: Holdrege Street Rehabilitation, 33rd to 47th (Project No. LCLC-5244(7)); Adams Street Rehabilitation, 57th to 62nd (Project No. LCLC-5250(3)); N. 70th Street Rehabilitation, Aylesworth to Vine (Project No. LCLC-5247(12)); and Holdrege Street Rehabilitation, 70th to 79th (Project No. LCLC-5400(13)), in accordance with the terms and conditions contained in said Agreements, are 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 the executed copies of the Agreements to the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Eugene Carroll

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTER 22.05 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN CONSTRUCTION SIGN CODE BY AMENDING SECTION 22.05.010 TO REVISE THE TITLE OF THE CODE; BY AMENDING SECTION 22.05.020 TO DELETE DEFINITIONS AND TO PROVIDE THAT TERMS SHALL HAVE THE SAME MEANING AS DEFINED IN CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE; BY AMENDING SECTION 22.05.030 TO PROVIDE SPECIFIC REFERENCE FOR EXCEPTIONS; BY AMENDING SECTION 22.05.050 TO MODIFY THE LISTING OF SIGNS FOR WHICH A PERMIT IS NOT REQUIRED; BY AMENDING SECTION 22.05.060 TO INCLUDE NEW SIGN PERMIT FEES, TO INCREASE OTHER FEES, AND TO PROVIDE THAT NO REFUND SHALL BE ISSUED ON A PERMIT WHERE THE REQUIRED REFUND AMOUNT IS LESS THAN \$50.00; BY AMENDING SECTION 22.05.080 TO CLARIFY THAT SIGN CLEARANCE FROM OVERHEAD ELECTRICAL CONDUCTORS SHALL BE THAT REQUIRED BY THE CURRENT EDITION OF THE LINCOLN ELECTRICAL CODE OR AS RECOMMENDED BY THE SERVING UTILITY COMPANY AND BY DELETING TABLE 22.05.080; BY AMENDING SECTION 22.05.090 TO CLARIFY THAT A REFERENCE IS TO THE CURRENT EDITION OF THE LINCOLN ELECTRICAL CODE; BY AMENDING SECTION 22.05.100 TO PROVIDE CONSTRUCTION

STANDARDS FOR FREESTANDING SIGNS AND TO DELETE REFERENCE TO POLE SIGNS; BY REPEALING SECTION 22.05.110 AND 22.05.120 RELATING TO GROUND SIGNS AND ROOF SIGNS, RESPECTIVELY; BY AMENDING SECTION 22.05.160 TO PROVIDE THAT ELECTRIC SIGNS AND ELECTRIC EQUIPMENT USED IN CONNECTION WITH ILLUMINATED SIGNS SHALL BE INSTALLED IN ACCORDANCE WITH THE CURRENT EDITION OF THE LINCOLN ELECTRICAL CODE; BY AMENDING SECTION 22.05.170 TO CLARIFY THAT SIGNS ON VEHICLES WHICH ARE USED FOR THE PRIMARY PURPOSE OF BEING A SIGN ARE NOT PERMITTED; BY AMENDING SECTION 22.05.190 TO PROHIBIT TEMPORARY GROUND SIGNS EXCEPT AS PROVIDED IN SECTION 22.05.170; AND REPEALING SECTIONS 22.05.010, 22.05.020, 22.05.030, 22.05.050, 22.05.060, 22.05.080, 22.05.090, 22.05.100, 22.05.150, 22.05.170, AND 22.05.190 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 22.05 of the Lincoln Municipal Code relating to the Lincoln Construction Sign code by amending Section 22.05.010 to revise the title of the code; by amending Section 22.05.020 to delete definitions and to provide that terms shall have the same meaning as defined in Chapter 27.69 of the Lincoln Municipal Code; by amending Section 22.05.030 to provide specific reference for exceptions; by amending Section 22.05.050 to modify the listing of signs for which a permit is not required; by amending Section 22.05.060 to include new sign permit fees, to increase other fees, and to provide that no refund shall be issued on a permit where the required refund amount is less than \$50.00; by amending Section 22.05.080 to clarify that sign clearance from overhead electrical conductors shall be that required by the current edition of the Lincoln Electrical Code or as recommended by the serving utility company and by deleting table 22.05.080; by amending Section 22.05.090 to clarify that a reference is to the current edition of the Lincoln Electrical Code; by amending Section 22.05.100 to provide construction standards for freestanding signs and to delete reference to pole signs; by repealing Section 22.05.110 and 22.05.120 relating to ground signs and roof signs, respectively; by amending Section 22.05.160 to provide that electric signs and electric equipment used in connection with illuminated signs shall be installed in accordance with the current edition of the Lincoln Electrical Code; by amending Section 22.05.170 to clarify that signs on vehicles which are used for the primary purpose of being a sign are not permitted; by amending Section 22.05.190 to prohibit temporary ground signs except as provided in Section 22.05.170; and repealing Sections 22.05.010, 22.05.020, 22.05.030, 22.05.050, 22.05.060, 22.05.080, 22.05.090, 22.05.100, 22.05.150, 22.05.170, and 22.05.190 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

COMP. PLAN CONFORMANCE 09006 - DECLARING APPROXIMATELY 21,300 SQ. FT. OF PROPERTY GENERALLY LOCATED NORTHWEST OF NORTH 23RD STREET AND Q STREET AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 21,300 sq. ft. of City-owned property generally located at the northwest corner of North 23rd Street and Q Street as surplus and authorizing the sale thereof, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSTAINED: Spatz. The ordinance, being numbered **#19278**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 09014HP - APPLICATION OF JOHN M. MOSS TO DESIGNATE THE REIMERS BUNGALOW, GENERALLY LOCATED AT 2201 B STREET, AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Jon Camp, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. The ordinance, being numbered **#19279**, is recorded in Ordinance Book #26, Page

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE PARKS AND RECREATION CAPITAL IMPROVEMENT PROGRAM IN THE AMOUNT OF \$100,000 FROM IRVING RECREATION CENTER HVAC 409391-6132 (KENO) TO POOL MAINTENANCE & REPAIR 409392-6134 - CLERK read an ordinance, introduced by Jon Camp, approving the transfer of funds between certain capital improvement projects within the Parks and Recreation Department, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. The ordinance, being numbered **#19280**, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

APPROVING AN INTERLOCAL AGREEMENT BETWEEN LINCOLN PUBLIC SCHOOLS AND THE CITY OF LINCOLN TO CONSTRUCT STORMWATER BEST MANAGEMENT PRACTICES AT ARNOLD ELEMENTARY SCHOOL GENERALLY LOCATED SOUTHWEST OF W. CUMING AND N.W. 48TH STREETS - City Clerk requested Bill No. 09R-103 be removed from Pending for Public Hearing and Action on 8/3/09.

CAMP So moved.
 Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CAMP Moved to extend the Pending List to July 27, 2009.
 Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

UPCOMING RESOLUTIONS

COOK Moved to approve the resolutions to have Public Hearing on July 27, 2009.
 Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 4:02 P.M.

CAMP Moved to adjourn the City Council meeting of July 20, 2009.
 Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

