

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, AUGUST 3, 2009 AT 3:00 P.M.**

The Meeting was called to order at 3:00 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**

HORNUNG Having been appointed to read the minutes of the City Council proceedings of July 27, 2009 reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF SHOEMAKER'S TRUCK STATION, INC. DBA SHOEMAKER'S TRUCK STATION FOR A CLASS D LIQUOR LICENSE AT 4801 WEST O STREET;  
MANAGER APPLICATION OF DAVID G. SHOEMAKER FOR SHOEMAKER'S TRUCK STATION, INC. DBA SHOEMAKER'S TRUCK STATION AT 4801 WEST O STREET - David Shoemaker, 6241 Eastshore, took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF GEMSTONE HOSPITALITY, INC. DBA GUESTHOUSE INN & SUITES FOR A CLASS I LIQUOR LICENSE AT 5250 CORNHUSKER HIGHWAY;  
MANAGER APPLICATION OF JOEL W. SCHOSSOW FOR GEMSTONE HOSPITALITY, INC. DBA GUESTHOUSE INN & SUITES AT 5250 CORNHUSKER HIGHWAY - Joel Schossow, 6772 Wild Rye Rd., took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF ACR CORPORATION DBA JAKES CIGARS AND SPIRITS FOR A CLASS C LIQUOR LICENSE AT 101 N. 14TH STREET;  
MANAGER APPLICATION OF ALEX C. ROSKELLEY FOR ACR CORPORATION DBA JAKES CIGARS AND SPIRITS AT 101 N. 14TH STREET - Alex Roskelley, 4221 S. 32<sup>nd</sup> Street, took the oath and came forward to answer questions.

Jonathan Cook, Council Member, questioned the number of violations Bricktop Bar, of which he is owner, has had during the time period 2003 to 2008.

Mr. Roskelley explained each situation such as one being an over intoxicated person who tended to have held his composure well and a minor using a fake ID.

Russ Fosler, Police Department, stated that Mr. Roskelley has run a good business and that overtime a business will have violations.

This matter was taken under advisement.

APPLICATION OF KWIK SHOP INC. DBA KWIK SHOP #680 FOR A CLASS D LIQUOR LICENSE AT 1441 N. COTNER BLVD.;

MANAGER APPLICATION OF CRISTINA MAE BONNET FOR KWIK SHOP INC. DBA KWIK SHOP #680 AT 1441 N. COTNER BLVD. - Cristina Bonnet, 1441 Cotner Blvd., took the oath and came forward to answer questions.

This matter was taken under advisement.

AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN CONTRACTS BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY (PROJECT NO. C317078 AND PROJECT NO. 317247) IN CONNECTION WITH IMPROVEMENTS TO THE CITY'S WASTEWATER COLLECTION AND TREATMENT SYSTEM - Don Herz, Finance Director, stated this represents loans from the DEQ that are at a below market interest rate. \$7.5 million of the \$10 million carries an interest rate of 2%, \$1,250,000 carries an interest rate of 0% and \$1.25 million is actually a grant which will not have to be repaid. The differential in interest rates will save the City about \$281,000 in costs per year over 20 years.

Lauren Wismer, Gilmore & Bell, 1248 O St, Ste. 710, stated this is not the typical way the City usually borrows money. When you borrow from the Department of Environmental Quality they give a loan contract and a promissory note. This loan is junior and subordinate to the City's outstanding wastewater revenue bonds. Discussion followed.

This matter was taken under advisement.

MISC. 09004 - VACATING THE FINAL PLAT OF HUNT'S ADDITION AND ALL RIGHT-OF-WAY WITHIN AND ABUTTING SAID PLAT, GENERALLY LOCATED NORTHWEST OF NORTH 9TH STREET AND CLAREMONT STREET -Marvin Krout, Director of Planning, stated this is part of the sale of City land & redevelopment of property at 10<sup>th</sup> and Military for residential uses. One of the conditions of the C.U.P. approval was that the applicant would be filling property for the

development and he would find on and/or off site excavation area sufficient so there would be no net loss and flood storage. One of them was the re-contouring of the Hayward Park area west of the proposed redevelopment site. The boundaries of the excavation area are supposed to be dedicated as conservation easements. This particular one in the park area is encumbered by a 120 year old plat of streets, blocks & lots that were never built on in the Salt Creek flood plain which are not usable. We are asking you to vacate the plat of Hunt's Addition because it is not needed and would make it simpler to create a legal description for the conservation easement. This will have park land with a jogging path, additional lighting, & landscaping paid for with TIF funds. Lynn Johnson would have the drawings of the park

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR ATTORNEY;  
AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY REVISING THE CLASSIFICATION OF ATTORNEY II;  
AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF FIREFIGHTER PARAMEDIC;  
AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING THE TITLE PAGE TO DELETE SECTION 2.76.160 COMPENSATION PLAN, VARIABLE MERIT PAY PLAN; AMENDING SECTION 2.76.040 DEFINITIONS, TO DEFINE EXCLUDED EMPLOYEE; AMENDING SECTION 2.76.130 POSITION AND PAY RANGE ALLOCATION, RELATING TO EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.135 MERIT PAY PLAN ESTABLISHED, TO INCLUDE EXCLUDED EMPLOYEES AND INCREASE THE MAXIMUM NUMBER OF MERIT PAY STEPS; AMENDING SECTION 2.76.145 MERIT PAY PLAN, ADMINISTRATION AND REQUIREMENTS FOR ADVANCEMENT, TO INCLUDE THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.150 MERIT PAY PLAN, PAY INCREASES FOR EXCEPTIONAL SERVICE, TO INCLUDE THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING 2.76.155 LONGEVITY PAY TO ADJUST THE ANNUAL LONGEVITY PAY PLAN RELATING TO CERTAIN "N" AND EXCLUDED EMPLOYEES; DELETING ALL OF SECTION 2.76.160 VARIABLE MERIT PAY PLAN; AMENDING SECTION 2.76.175 PROMOTION, TRANSFER, DEMOTION OR TEMPORARY PROMOTION RELATING TO THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.200 TEMPORARY ASSIGNMENT TO A HIGHER CLASSIFICATION RELATING TO THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.380 SICK LEAVE WITH PAY, AS IT RELATES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY M, A, C, E, N, OR X; AND AMENDING SECTION 2.76.395 VACATION LEAVE WITH PAY AS IT RELATES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY M; AND REPEALING 2.76 TITLE PAGE AND SECTIONS 2.76.040, 2.76.130, 2.76.135, 2.76.145, 2.76.150, 2.76.155, 2.76.160, 2.76.175, 2.76.200, 2.76.380, AND 2.76.395 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;  
AMENDING CHAPTER 2.78 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING SECTION 2.78.010 COMPENSATION PLAN ESTABLISHED TO EXCLUDE EMPLOYEES WITH A PAY RANGE PREFIXED BY M; AMENDING SECTIONS 2.78.020 ANNUAL LEAVE, 2.78.025 VARIABLE MERIT PAY PLAN, AND 2.78.030 SICK LEAVE TO DELETE THE REFERENCES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER M; AND REPEALING 2.78 TITLE PAGE AND SECTIONS 2.78.010, 2.78.020, 2.78.025, AND 2.78.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;  
AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "E" TO BE EFFECTIVE AUGUST 20, 2009;  
AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "M" TO BE EFFECTIVE AUGUST 20, 2009;  
AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 20, 2009 - Niles Ford, Fire Chief, stated the change of classification to Firefighter Paramedic is requested because at this time they are classified as Firefighters and if they are Paramedics, too, they are not required to maintain the Paramedic certification. This change in classification would obligate them to maintain their Paramedic certification for at least six years. This will insure there is a necessary amount of skilled workers at the Paramedic level.  
Discussion followed.

This matter was taken under advisement.

WAIVER NO. 09006 - APPLICATION OF THE KANSAS-NEBRASKA ASSOCIATION OF SEVENTH DAY ADVENTISTS FOR THE NEW CREATION CHURCH TO WAIVE THE PARKING LOT SURFACING REQUIREMENT PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH CODDINGTON AVENUE AND WEST OLD CHENEY ROAD - Virginia Eggert, 7221 South Street, member of the Kansas-Nebraska Association of Seventh Day Adventists, asked for a temporary waiver for four years to rock the parking lot instead of paving the lot due to the economic conditions at this time.

Marvin Krout, Director of Planning, explained that churches have more difficulty getting access to credit and raising money in a different way so there can be a special dispensation to them which would be temporary. This property is out in the perimeter area so one of the streets of this corner intersection is also unpaved. The long drive-way as well as the parking lot would be exempted by this provision for the time being. An amendment attached explains this is a waiver, not a Special Permit, so the City Clerk is not required to file the records with the Register of Deeds.

This matter was taken under advisement.

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE FOR AMBULANCE SERVICE - Mike Morosin, 1500 N. 15<sup>th</sup> St., came forward to ask what the costs and/or fees for the ambulance will be.

Jonathan Cook, Council Member, stated the changes are not significant changes. Non-emergency calls that are currently \$430 will go up to \$435 and ALS two emergency call is \$760 will go up to \$770 as an example of the small increases.

This matter was taken under advisement.

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. 48<sup>TH</sup> STREETS. (6/29/09 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO REMOVE FROM PENDING FOR P.H. & ACTION ON 8/3/09) (7/20/09 - TO HAVE P.H. & ACTION ON 8/3/09) - Ben Higgins, Public Works & Utilities, stated this is an interlocal agreement with the Lincoln Public Schools for the new school in Arnold Heights at West Cumings and N.W. 48<sup>th</sup> Street. Rain gardens and bio swales are being added which will help the City meet it's requirements for the National Priority Discharge Elimination permit which is basically a Stormwater permit that will improve water quality and provide educational opportunities for the children at that school. The school will maintain the site once it's done. The cost share is half with the City and half with NRD.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY CITY COUNCIL ON JULY 20, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF JUNE 2009: SPRINT SPECTRUM, NEXTEL WEST, BT AMERICAS, VONAGE AMERICA, VONAGE AMERICA, LIGHTYEAR NETWORK SOLUTIONS, ENHANCED COMM. NETWORKS, ZONE TELECOM., TRI-M, GRANITE, QWEST, LEVEL 3, LEVEL 3, 8X8, 8X8, AT&T OF MIDWEST, ACN, COMTEL TELCOM ASSETS, BUDGET PREPAY,; APRIL - JUNE 2009: NECC, COMTECH 21 - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE QUARTER APRIL - JUNE, 2009: ACN COMM. SERVICES - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

### **PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, AUGUST 17, 2009 AT 3:00 P.M. FOR THE APPLICATION OF RICKETY CRICKET, LLC DBA N STREET WINE & LIQUOR FOR A CLASS DK LIQUOR LICENSE LOCATED AT 1835 N STREET - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption: A-85453 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 17, 2009 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City

Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Rickety Cricket, LLC dba N Street Wine & Liquor for a Class DK liquor license located at 1835 N Street.

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

Introduced by Jane Snyder

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 17, 2009 AT 3:00 P.M. FOR THE APPLICATION OF KABREDLO'S INC. DBA KABREDLO'S 107 FOR A CLASS D LIQUOR LICENSE LOCATED AT 3500 N 48TH STREET - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85454 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 17, 2009 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Kabredlo's Inc. dba Kabredlo's 107 for a Class D liquor license located at 3500 N 48<sup>th</sup> Street.

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

Introduced by Jane Snyder

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 17, 2009 AT 3:00 P.M. FOR THE APPLICATION OF DEBBIE NGO DBA FUJI JAPANESE RESTAURANT FOR A CLASS I LIQUOR LICENSE LOCATED AT 1501 PINE LAKE RD., BAY 5 - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85455 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 17, 2009 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Debbie Ngo dba Fuji Japanese Restaurant for a Class I liquor license located at 1501 Pine Lake Rd., Bay 5.

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

Introduced by Jane Snyder

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

#### LIQUOR RESOLUTIONS

APPLICATION OF SHOEMAKER'S TRUCK STATION, INC. DBA SHOEMAKER'S TRUCK STATION FOR A CLASS D LIQUOR LICENSE AT 4801 WEST O STREET - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption for approval:

A-85456 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 Shoemaker's Truck Station, Inc. dba Shoemaker's Truck Station for a Class "D" liquor license at 4801 West O Street, Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. The premise must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jane Snyder

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

MANAGER APPLICATION OF DAVID G. SHOEMAKER FOR SHOEMAKER'S TRUCK STATION, INC. DBA SHOEMAKER'S TRUCK STATION AT 4801 WEST O STREET - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption for approval:

A-85457 WHEREAS, Shoemaker's Truck Station, Inc. dba Shoemaker's Truck Station located at 4801 West O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that David G. Shoemaker be named manager;

WHEREAS, David G. Shoemaker 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 David G. Shoemaker 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 Jane Snyder

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

APPLICATION OF GEMSTONE HOSPITALITY, INC. DBA GUESTHOUSE INN & SUITES FOR A CLASS I LIQUOR LICENSE AT 5250 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85458 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 Gemstone Hospitality, Inc. dba Guesthouse Inn & Suites for a Class "I" liquor license at 5250 Cornhusker Highway, Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

2. The premise must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Eugene Carroll

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

MANAGER APPLICATION OF JOEL W. SCHOSSOW FOR GEMSTONE HOSPITALITY, INC. DBA GUESTHOUSE INN & SUITES AT 5250 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85459 WHEREAS, Gemstone Hospitality, Inc. dba Guesthouse Inn & Suites located at 5250 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Joel W. Schossow be named manager;

WHEREAS, Joel W. Schossow 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 Joel W. Schossow 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 Eugene Carroll

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

APPLICATION OF ACR CORPORATION DBA JAKES CIGARS AND SPIRITS FOR A CLASS C LIQUOR LICENSE AT 101 N. 14TH STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85460 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 ACR Corporation dba Jakes Cigars and Spirits for a Class "C" liquor license at 101 N. 14th Street, Lincoln, Nebraska, for the license period ending October 31, 2009, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Adam Hornung

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

MANAGER APPLICATION OF ALEX C. ROSKELLEY FOR ACR CORPORATION DBA JAKES CIGARS AND SPIRITS AT 101 N. 14TH STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-85461 WHEREAS, ACR Corporation dba Jakes Cigars and Spirits located at 101 N. 14th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Alex C. Roskelley be named manager;

WHEREAS, Alex C. Roskelley 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 Alex C. Roskelley 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 Adam Hornung

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

APPLICATION OF KWIK SHOP INC. DBA KWIK SHOP #680 FOR A CLASS D LIQUOR LICENSE AT 1441 N. COTNER BLVD. - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85462 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 Kwik Shop Inc. dba Kwik Shop #680 for a Class "D" liquor license at 1441 N. Cotner Blvd., Lincoln, Nebraska, for the license period ending April 30, 2010, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Eugene Carroll

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

MANAGER APPLICATION OF CRISTINA MAE BONNET FOR KWIK SHOP INC. DBA KWIK SHOP #680 AT 1441 N. COTNER BLVD. - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-85463 WHEREAS, Kwik Shop Inc. dba Kwik Shop #680 located at 1441 N. Cotner Blvd., Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Cristina Mae Bonnet be named manager;

WHEREAS, Cristina Mae Bonnet 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 Cristina Mae Bonnet 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 Eugene Carroll

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

#### ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)

AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN CONTRACTS BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY (PROJECT NO. C317078 AND PROJECT NO. 317247) IN CONNECTION WITH IMPROVEMENTS TO THE CITY'S WASTEWATER COLLECTION AND TREATMENT SYSTEM - CLERK read an ordinance, introduced by Adam Hornung, authorizing the execution and delivery of loan contracts between the City and the Nebraska Department of Environmental Quality (Project Nos. C317078 and C317247) and related promissory notes in a principal amount not to exceed \$10,000,000; and related matters, the second time.

MISC. 09004 - VACATING THE FINAL PLAT OF HUNT'S ADDITION AND ALL RIGHT-OF-WAY WITHIN AND ABUTTING SAID PLAT, GENERALLY LOCATED NORTHWEST OF NORTH 9TH STREET AND CLAREMONT STREET - CLERK read an ordinance, introduced by Adam Hornung, vacating the final plat of Hunt's Addition and all right-of-way within and abutting said plat on property generally located northwest of North 9<sup>th</sup> Street and Claremont Street, and retaining title thereto in the City of Lincoln, Nebraska, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR ATTORNEY - PRIOR to reading:

COOK Moved to place Bill No. 09-97 on Pending to be removed and to have 1<sup>st</sup> Reading at the same time "M" Class is on 1<sup>st</sup> Reading.

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

CLERK Read an ordinance, introduced by Adam Hornung, amending Section 1 of Ordinance No. 18971 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by creating the job classification of "Senior Attorney", the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY REVISING THE CLASSIFICATION OF ATTORNEY II - PRIOR to reading:

COOK Moved to place Bill No. 09-97 on Pending to be removed and to have 1<sup>st</sup> Reading at the same time "M" Class is on 1<sup>st</sup> Reading.

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

CLERK Read an ordinance, introduced by Adam Hornung, amending Section 1 of Ordinance No. 18971 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by changing the pay range for the position of Attorney II from an M03 (\$61,228.96 - \$119,394.08) to an M02 (\$48,821.76 - \$99,569.60), the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF FIREFIGHTER PARAMEDIC - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 1 of Ordinance No. 18970 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "F," by creating the job classification of "Firefighter Paramedic", the second time.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING THE TITLE PAGE TO DELETE SECTION 2.76.160 COMPENSATION PLAN, VARIABLE MERIT PAY PLAN; AMENDING SECTION 2.76.040 DEFINITIONS, TO DEFINE EXCLUDED EMPLOYEE; AMENDING SECTION 2.76.130 POSITION AND PAY RANGE ALLOCATION, RELATING TO EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.135 MERIT PAY PLAN ESTABLISHED, TO INCLUDE EXCLUDED EMPLOYEES AND INCREASE THE MAXIMUM NUMBER OF MERIT PAY STEPS; AMENDING SECTION 2.76.145 MERIT PAY PLAN, ADMINISTRATION AND REQUIREMENTS FOR ADVANCEMENT, TO INCLUDE THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.150 MERIT PAY PLAN, PAY INCREASES FOR EXCEPTIONAL SERVICE, TO INCLUDE THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING 2.76.155 LONGEVITY PAY TO ADJUST THE ANNUAL LONGEVITY PAY PLAN RELATING TO CERTAIN "N" AND EXCLUDED EMPLOYEES; DELETING ALL OF SECTION 2.76.160 VARIABLE MERIT PAY PLAN; AMENDING SECTION 2.76.175 PROMOTION, TRANSFER, DEMOTION OR TEMPORARY PROMOTION RELATING TO THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.200 TEMPORARY ASSIGNMENT TO A HIGHER CLASSIFICATION RELATING TO THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.380 SICK LEAVE WITH PAY, AS IT RELATES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY M, A, C, E, N, OR X; AND AMENDING SECTION 2.76.395 VACATION LEAVE WITH PAY AS IT RELATES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY M; AND REPEALING 2.76 TITLE PAGE AND SECTIONS 2.76.040, 2.76.130, 2.76.135, 2.76.145, 2.76.150, 2.76.155, 2.76.160, 2.76.175, 2.76.200, 2.76.380, AND 2.76.395 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:

COOK Moved to place Bill No. 09-97 on Pending to be removed and to have 1<sup>st</sup> Reading at the same time "M" Class is on 1<sup>st</sup> Reading.

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

CLERK Read an ordinance, introduced by Eugene Carroll, amending Chapter 2.76 of the Lincoln Municipal Code relating to the City's Personnel System by amending the Title Page to delete Section 2.76.160 Compensation Plan, Variable Merit Pay Plan; amending Section 2.76.040 Definitions, to define Excluded Employee; amending Section 2.76.130 Position and Pay Range Allocation, relating to Excluded Employees; amending Section 2.76.135 Merit Pay Plan Established, to include Excluded Employees and increase the maximum number of merit pay steps; amending Section 2.76.145 Merit Pay Plan, Administration and Requirements for Advancement, to include the newly defined Excluded Employees; amending Section 2.76.150 Merit Pay Plan, Pay Increases for

Exceptional Service, to include the newly defined Excluded Employees; amending 2.76.155 Longevity Pay to adjust the annual longevity pay plan relating to certain "N" and Excluded Employees; deleting all of Section 2.76.160 Variable Merit Pay Plan; amending Section 2.76.175 Promotion, Transfer, Demotion or Temporary Promotion relating to the newly defined Excluded Employees; amending Section 2.76.200 Temporary Assignment to a Higher Classification relating to the newly defined Excluded Employees; amending Section 2.76.380 Sick Leave with Pay, as it relates to employees with a pay range prefixed by M, A, C, E, N, or X; and amending Section 2.76.395 Vacation Leave with Pay as it relates to employees with a pay range prefixed by M; and repealing 2.76 Title Page and Sections 2.76.040, 2.76.130, 2.76.135, 2.76.145, 2.76.150, 2.76.155, 2.76.160, 2.76.175, 2.76.200, 2.76.380, and 2.76.395 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 2.78 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING SECTION 2.78.010 COMPENSATION PLAN ESTABLISHED TO EXCLUDE EMPLOYEES WITH A PAY RANGE PREFIXED BY M; AMENDING SECTIONS 2.78.020 ANNUAL LEAVE, 2.78.025 VARIABLE MERIT PAY PLAN, AND 2.78.030 SICK LEAVE TO DELETE THE REFERENCES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER M; AND REPEALING 2.78 TITLE PAGE AND SECTIONS 2.78.010, 2.78.020, 2.78.025, AND 2.78.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:

COOK Moved to place Bill No. 09-97 on Pending to be removed and to have 1<sup>st</sup> Reading at the same time "M" Class is on 1<sup>st</sup> Reading.

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

CLERK Read an ordinance, introduced by Eugene Carroll, amending Chapter 2.78 of the Lincoln Municipal Code relating to the City's Personnel System by amending Section 2.78.010 Compensation Plan Established to exclude employees with a pay range prefixed by M; amending Sections 2.78.020 Annual Leave, 2.78.025 Variable Merit Pay Plan, and 2.78.030 Sick Leave to delete the references to employees with a pay range prefixed by the letter M; and repealing 2.78 Title Page and Sections 2.78.010, 2.78.020, 2.78.025, and 2.78.030 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "E" TO BE EFFECTIVE AUGUST 20, 2009 - CLERK read an ordinance, introduced by Eugene Carroll, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E"; and repealing Ordinance No. 19187, passed by the City Council on December 15, 2008, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "M" TO BE EFFECTIVE AUGUST 20, 2009 - PRIOR to reading:

COOK Moved to place Bill No. 09-97 on Pending to be removed and to have 1<sup>st</sup> Reading at the same time "M" Class is on 1<sup>st</sup> Reading.

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

CLERK Read an ordinance, introduced by Eugene Carroll, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M" and repealing Ordinance No. 18971, passed by the City Council on August 6, 2007, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 20, 2009 - CLERK read an ordinance, introduced by Eugene Carroll, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 19147, passed by the City Council on September 22, 2008, 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 JULY 1 - 15, 2009 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85464 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 16, 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>
None	Kathy Hoefs \$34,000.00
	Hannah Riley 1,500.00
	M.E. Group, Inc. 133.75
	Sabah Al Razaq 1,460.82
	Robert A. Downey 3,081.61

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 Adam Hornung

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

WAIVER NO. 09006 - APPLICATION OF THE KANSAS-NEBRASKA ASSOCIATION OF SEVENTH DAY ADVENTISTS FOR THE NEW CREATION CHURCH TO WAIVE THE PARKING LOT SURFACING REQUIREMENT PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH CODDINGTON AVENUE AND WEST OLD CHENEY ROAD - PRIOR to reading:

SNYDER Moved to amend Bill No. 09R-134 by striking the following language on page 2, lines 9 through 11:

"The City Clerk shall file a copy of the resolution approving the waiver and letter of acceptance with the Register of Deeds, filing fees thereof to be paid in advance by the Owner."

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

CLERK Read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85465 WHEREAS, the Kansas-Nebraska Association of Seventh Day Adventists ("Owner") for the New Creation Church has requested a waiver of the surfacing requirements for a parking lot on property generally located at the northeast corner of South Coddington Ave. and West Old Cheney Road and legally described as:

The southern 20 acres +/- of Lot 2, Potter's Pocket  
1st Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the City Council finds that:

a. The parking lot for which the waiver of the surfacing requirement is requested is to be used in conjunction with a nonprofit religious institution;

b. Alternate materials or techniques will be utilized which provide reasonable control of dust, runoff, and safe circulation; and

c. The location of the parking lot is a sufficient distance from surrounding uses so that it will not adversely affect the surrounding uses, and the frequency of use of the parking lot is so low that compliance with the surfacing requirements at the present time would cause undue economic hardship upon the Owner as compared with minimal impact upon the surrounding land uses.

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

In consideration of the findings made above, the requirement for the paving of the parking lot for the New Creation Church located at the northeast corner of South Coddington Ave. and West Old Cheney Road on property legally described above is hereby temporarily waived pursuant to § 27.67.100(c) of the Lincoln Municipal Code under the following conditions:

1. This approval waives the requirement to pave the parking lot for four years.

2. Before commencing use of the parking lot, all development and construction must substantially comply with the approved plans.

3. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Owner, its successors and assigns.

4. The Owner shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the waiver, provided however, said 60-day period may be extended up to six months by

~~administrative amendment. The City Clerk shall file a copy of the resolution approving the waiver and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Owner.~~

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

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE FOR AMBULANCE SERVICE - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85466 WHEREAS, in accordance with Title 7 of the Lincoln Municipal Code, the City Council has authority to approve a schedule of maximum fees which the City may charge for ambulance service rendered by the City of Lincoln; and

WHEREAS, Lincoln Fire and Rescue has proposed such a schedule of maximum fees for comment and review by EMS, Inc., the City's emergency medical services oversight agency; and

WHEREAS, EMS, Inc. has concluded the proposed maximum fees are reasonable; and

WHEREAS, the proposed rate schedule is before the City Council for its consideration and approval; and

WHEREAS, the City Council finds that the proposed rate schedule, based on the reasonable costs of providing ambulance service, represents reasonable maximum user fees to be charged for the provision of ambulance service by the City of Lincoln

NOW, THEREFORE, BE IT RESOLVED by the City Council, the proposed rate schedule attached hereto, marked as Attachment "A", and made a part hereof by reference, is hereby approved and shall take effect September 1, 2009.

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

APPROVING A TWO-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-LANCASTER PUBLIC BUILDING COMMISSION AND MAIL SORT PROFESSIONALS THROUGH INTER-GOVERNMENTAL COOPERATIVE PURCHASING THROUGH A CONTRACT WITH THE STATE OF NEBRASKA FOR THE PROCESSING OF MAIL FLATS - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85467 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Contract between the City of Lincoln, Lancaster County, Lincoln-Lancaster County Public Building Commission and Mail Sort Professionals for the processing of mail flats through inter-governmental cooperative purchasing, as per Section 2.18.030(o) of the Lincoln Municipal Code, with the State of Nebraska for a two-year term upon the terms and conditions as set forth in said Contract, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Contract on behalf of the City.

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

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. (6/29/09 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO REMOVE FROM PENDING FOR P.H. & ACTION ON 8/3/09) (7/20/09 - TO HAVE P.H. & ACTION ON 8/3/09) - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85468 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln, Nebraska and Lancaster County School District 001, aka Lincoln Public Schools, for Stormwater Best Management Practices, consisting of rain gardens, bio swales and water quality drawdown structures at Arnold Elementary School, upon the terms and conditions set forth in said Agreement, 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.

The City Clerk is directed to forward one fully executed original of said Agreement to Ben Higgins, Public Works & Utilities, for transmittal to Lincoln Public Schools.

Introduced by John Spatz

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

**ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)**

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION FUND, WATER CONSTRUCTION FUND, SANITARY SEWER CONSTRUCTION FUND, AND CAPITAL PROJECTS FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Jane Snyder, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Street Construction Fund, Water Construction Fund, Sanitary Sewer Construction Fund, and Capital Projects Fund within the Public Works & Utilities Department, the first time.

AMENDING ORDINANCE NO. 19169 AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$932,000.00 CITY OF LINCOLN, NEBRASKA BLOCK 85 REDEVELOPMENT PROJECT TAX ALLOCATION BONDS TO INCREASE THE MAXIMUM INTEREST RATE PERMITTED UNDER THE ORDINANCE FROM 9% TO 10% PER ANNUM - CLERK read an ordinance, introduced by Jane Snyder, amending Ordinance No. 19169 to change the maximum interest rate on the Block 85 Redevelopment Project Tax Allocation Bonds authorized thereby; to repeal certain provisions of Ordinance No. 19169; taking other action in connection with the foregoing; and related matters, the first time.

**ORDINANCES - 3<sup>RD</sup> 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 - PRIOR to reading:

COOK Moved to amend Bill No. 09-95 in the following manner:

(a) On page 2, delete all of lines 17 and 18, and insert in lieu thereof the following:

The definitions of words and terms in Chapter 27.69 of the Lincoln Municipal Code shall apply to the same words and terms when used in this code.

(b) On page 8, line 13, delete the words "ground and pole" and insert in lieu thereof the word freestanding.

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

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 third time.

COOK Moved to pass the ordinance as read.  
Seconded by Spatz & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.  
The ordinance, being numbered #19285, is recorded in Ordinance Book #26, Page

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES COMMENCING NOVEMBER 2009;  
APPROVING A NEW SCHEDULE FOR WATER USE CHARGES COMMENCING NOVEMBER 2009 -  
CLERK requested a motion on Bill No. 09R-138 and 09R-139.

COOK Moved to have Public Hearing on 8/10/09 with the Budget Hearing and to have action on 8/24/09.  
Seconded by Spatz & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

COOK Moved to extend the Pending List to August 10, 2009.  
Seconded by Spatz & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

**UPCOMING RESOLUTIONS**

COOK Moved to approve the resolutions to have Public Hearing on August 10, 2009.  
Seconded by Spatz & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

**ADJOURNMENT 3:44 P.M.**

COOK Moved to adjourn the City Council meeting of August 3, 2009.  
Seconded by Spatz & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant



