

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 28, 2009 AT 5:30 P.M.**

The Meeting was called to order at 5:30 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 September 21, 2009 reported having done so, found same correct.

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

PUBLIC HEARING

AMENDING SECTION 9.36.080 OF THE LINCOLN MUNICIPAL CODE TO ADD AN ADDITIONAL EXCEPTION TO THE PROHIBITION AGAINST THE DISCHARGE OF FIREARMS, WEAPONS AND OTHER INSTRUMENTS WITHIN THE CITY LIMITS BY ADDING A NEW SUBSECTION TO ALLOW AN EXEMPTION FOR HUNTS AUTHORIZED BY THE CITY OF LINCOLN ON ITS OWN PROPERTY AND CONDUCTED UNDER THE SUPERVISION OF THE NEBRASKA GAME & PARKS COMMISSION; AND REPEALING SECTION 9.36.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Rick Peo, Assistant City Attorney, came forward to clarify that this code amendment will allow lawfully conducted hunts on property owned by the City but located outside city limits: locations such as the Ashland water well or the Airport Authority property.

Mike Morosin, 1500 N. 15th St., came forward to question what types of animals would be hunted.

Mr. Peo came forward in response by stating that most of these hunts may be youth oriented/bow hunting programs implemented to weed out increasing deer population, thereby alleviating agricultural damage.

This matter was taken under advisement.

CHANGE OF ZONE 09022 - APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT TO CREATE A SPECIAL SIGN DISTRICT FOR THE 48TH AND O STREETS REDEVELOPMENT PLAN AREA, GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 48TH AND O STREETS - David Landis, Urban Development Director, came forward to explain that two nationally known, non-organizationally related retailers will share an access point on O Street and together they have compromised on a visible monument sign which is half the size allowed by law.

This matter was taken under advisement.

ADOPTING AN AMENDED AND RESTATED CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST FOR CIVILIAN (NON-UNIFORMED SERVICE) EMPLOYEES PROVIDING FOR A CHANGE IN EMPLOYER CONTRIBUTIONS FOR EMPLOYEES HIRED AFTER A DATE CERTAIN AND ADOPTING IRS INTERIM AMENDMENTS NO. 1 AND NO. 2 - Mayor Chris Beutler came forward to testify in favor of changing the City employee retirement plan to a \$1 to \$1 match for new employees, effective January 1, 2010. He said the generous two-to-one match has created a divide between residents and City employees, especially in a time when citizens are experiencing cuts in services they depend upon. Mayor Beutler said the City has set a high standard with new levels of accountability. He said City employees have risen to every challenge issued and have done more work with fewer resources. He clarified that the retirement match for current employees cannot be legally changed. He said the City has a duty and obligation to provide reasonable retirement benefits to its employees but the commitment must be tempered by the day to day realities faced by the citizens of Lincoln who pay the bills. He feels the change is a step in the right direction for the future of this

City and it may help in the long term to solve structural budget problems. Mayor Beutler stated he looks forward to continued cooperation between his administration and the City Council on this issue.

Connie Hilligoss, LIBA Board of Director Chair, came forward in support of this ordinance change.

Mike Morosin, 1500 N. 15th St., came forward to question when the last employee will exit the old retirement plan commitment.

Council Member Camp estimated that if someone were hired today at the age of 25, he/she might likely work to age 65; therefore, it could be forty years until fazed out.

Chair Emery surmised that with the baby-boomers retiring, there might be some quicker jumps. He said in his experience at the Postal Service it took 25 years for their plan to be mostly gone.

This matter was taken under advisement.

APPROVING A REQUEST FOR EXCEPTION FROM THE STATE OF NEBRASKA, BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS REGARDING MINIMUM SHOULDER WIDTH IN ORDER TO MINIMIZE THE IMPACT OF ROADWAY CONSTRUCTION ON N.W. 48TH STREET, ST. PAUL TO CLEVELAND - Roger Figard, Public Works & Utilities Dept. Engineer, came forward to state that due to development and improvements at three intersections on Northwest 48th Street, separate left-turn lanes have been installed. He said NW 48th Street is a fairly narrow, original county-road cross section and cannot accommodate a full 8 ft. wide shoulder. Until the roadway is constructed/reconstructed into a new and full width, a relaxation request would allow shoulder minimums of 2, 3 and 6 ft. at various locations.

This matter was taken under advisement.

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE STATE GAME & PARKS COMMISSION FOR A RECREATIONAL TRAIL PROGRAM GRANT TO ASSIST IN FUNDING THE RENOVATION OF THE BILLY WOLFF TRAIL BETWEEN 56TH STREET AND 58TH STREET, ADJACENT TO VAN DORN STREET - Terry Genrich, Parks & Recreation Dept., came forward to explain that not only does this grant pay for the renovation project but the required 20% match is being donated from the Great Plains Trails Network.

Council Member Snyder verified the need for the renovation stating it will provide added safety for bikers/pedestrians. Both Ms. Snyder and Mr. Genrich expressed appreciation to the Great Plains Trails Network for their donation to the project.

This matter was taken under advisement.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$49,300.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 30) - Kit Boesch, Human Services Administrator, came forward to clarify distribution dollars which amount to \$80,000 annually. She said the Community Committee has reviewed the proposed requests for distribution of available funds.

This matter was taken under advisement.

COMP. PLAN CONFORMITY NO. 09005 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN FOR THE BLOCK 68 REDEVELOPMENT PROJECT FOR THE DEVELOPMENT OF A HOTEL AND ENTERTAINMENT COMPLEX, MIXED-USE RESIDENTIAL AND COMMERCIAL BUILDING WITH RETAIL ON THE FIRST FLOOR AND PARKING FACILITY FOR THE PROPOSED USES ON PROPERTY LOCATED ON THE BLOCK BOUNDED BY 10TH, 11TH, M AND N STREETS - David Landis, Director of Urban Development, came forward to state that the amendment requests for consideration of a project with the use of TIF including 120 residential units at market rate, 517 parking garage stalls and a six-floor hotel. He said this project meets a number of the goals in the Comprehensive Plan and the Downtown Master Plan. Mr. Landis presented the following existing characteristics: it is high density; has an urban environment that is compatible with the character of the area; it reuses underutilized land in an existing commercial center; it includes housing; it is located near available urban services; is supported by adequate road capacity and existing utilities. This project would allow

the ability to upgrade utilities, bury electrical lines, move a sewer line, move & replace 100-year old water mains, reinforce the call for an area of entertainment and add to parking and pedestrian orientation. He said a way in which the project does not comport to the comprehensive plan is in the park block's concept. In answer to Council inquiry as to why Urban Development is the applicant, Mr. Landis said his department is always the applicant in the case of TIF projects. He said if City Administration reaches the conclusion that a project will not work toward the good of the City of Lincoln, Urban Development does not bring it before Council. He said the first priority of TIF would be utility costs; second, sidewalk replacement; third, site preparation; and lastly, hotel, garage & residential.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing the entire block owner, Randy Acher. He believes the project is in general conformance with the Comprehensive Plan and it advances goals set by the City for the downtown area. He noted that the building project proposes to construct more parking than it displaces. In reference to the changes on M Street, replacing diagonal parking with parallel cuts parking by half.

Bill Olson, 134 S. 13th St., Corporate & General Counsel to Randy Acher, came forward to answer questions. He expressed appreciation to Council for considering Mr. & Mrs. Acher's project on an existing, unsightly surface-parking lot in an effort to bring economic & pedestrian benefits, adding jobs to the city and eventual revenue to the owners.

Ed Swotek, Board Chairman of the Downtown Lincoln Association, came forward to comment on the proposed project. He said while the Downtown Master Plan must remain flexible for economic conditions, it provides a direction and sets the course for supporting economic development in downtown Lincoln. He said DLA would welcome the opportunity to sit down with the City & the developer to discuss different ideas/concepts to maintain the spirit/integrity of the the Downtown Master Plan.

Richard Halvorsen, 6311 Inverness Rd., came forward to comment on reasons for the Comp. Plan variance. He said he does not like to see a deviance from a well-thought-out plan.

Marvin Krout, Director of Planning, came forward to answer questions about the Downtown Master Plan/Comprehensive Plan process. He explained about the use of open space as a development tool to create memorable spaces & a magnet for quality, long-term development. He mentioned that a unique, competitive draw in Lincoln is the pedestrian-oriented Antelope Valley. Regarding right-of-way in the M Street corridor, Mr. Krout said opportunities may be found if the problems are looked at in a different way. He advised Council in their decision-making that if they are not consistent with the Master Plan now, then they will have lost the other 11 or 12 blocks of the Plan.

Rick Peo, Assistant City Attorney, came forward to answer questions stating that perfection is not required in the Comprehensive Plan. He said the Master Plan is a guide and that the terms are not prescriptive but descriptive. In response to Council questions about a shortfall in the estimated taxes, Mr. Peo said the developer who assumes that risk, covers the shortfall.

Mr. Landis, came forward to answer questions about flexibility. He said with the Master Plan as a guide, they look at the general goals and then alter them to fit the real circumstances. He said the City's leverage in this project, as a partner, is with the use of TIF.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN M CLASS
EMPLOYEES ASSOCIATION EFFECTIVE AUGUST 20, ;
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 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 "M" TO BE EFFECTIVE AUGUST 20, 2009 - Mark A. Koller, Director of Personnel, came forward to answer any questions.

Joe Wright, Pres. of the M Class Union, came forward to state that at this time, the M Class concern is with process. Although a reluctant Union, it was formed because of disparate treatment. He said their union does not use an attorney, nor provide an array of cities for data, nor use conflict in its negotiations. He said any past contract concerns were addressed and fixed for Council approval. He expressed fear that Council's next concern may be about the civilian pension plan which may further hold up approval of the contract.

This matter was taken under advisement.

APPROVING AND RATIFYING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN FIREFIGHTERS ASSOCIATION, LOCAL NO. 644, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, EFFECTIVE AUGUST 20, 2009 THROUGH AUGUST 31, 2010 - John Cripe, Personnel Department, came forward to answer questions. He explained that while the pay range steps still exist, each step is going up zero, yet merit is still received. He clarified issues with the health & dental plan premiums based on comparability and negotiations.

Connie Hilligoss, LIBA Board of Director Chair, came forward to request that Council reconsider LFR's contract provision requiring mandatory staffing. She said LIBA's opinion is that a highly-qualified

fire chief can authorize those decisions. Ms. Hilligoss further recommended that Council hire an outside legal counsel or professional negotiator to represent their interests in the contract negotiation process.

Ron Ecklund, LIBA, was on hand for questioning.

David Nabity, address not given, came forward on behalf of Omaha Alliance for the Private Sector, to express opposition to the minimum staffing requirement in the firefighter contract. He feels it is a tool to boost the payroll and the overhead of the Fire Department; hence, the end result leads to over budget. He said the fire chief should organize, design & manage staffing to determine what is safe.

Mr. Cripe, Personnel Department, came forward to explain the rationale in Article 23 regarding disciplinary action and to clarify driver's license issues as it affects a classified firefighter's position. In reference to Article 29, Mr. Cripe explained the sick leave payout at retirement. He said the proposal changes the payout from 50% of their capped balance to 60% of their unlimited balance at retirement.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING JAMES CADA TO THE CHARTER REVISION COMMISSION FOR A TERM EXPIRING SEPTEMBER 28, 2013 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85519 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of James Cada to the Charter Revision Commission for a term expiring September 28, 2013 is hereby approved.

Introduced by Jayne Snyder

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

APPOINTING STEVE GUITTAR AND DIANE WALKOWIAK TO THE CHARTER REVISION COMMISSION FOR TERMS EXPIRING SEPTEMBER 28, 2013 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85520 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Steve Guittar and Diane Walkowiak to the Charter Revision Commission for terms expiring September 28, 2013 is hereby approved.

Introduced by Jayne Snyder

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

REAPPOINTING MIKE DONLAN, LAURIE LAGE, JOSE SOTO AND LEROY STOKES TO THE CHARTER REVISION COMMISSION FOR TERMS EXPIRING SEPTEMBER 28, 2013 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85521 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Mike Donlan, Laurie Lage, Jose Soto and Leroy Stokes to the Charter Revision Commission for terms expiring September 28, 2013 is hereby approved.

Introduced by Jayne Snyder

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

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE THIRD QUARTER, FISCAL YEAR 2008-09 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85522 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

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

Introduced by Jon Camp

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 14, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 12, 2009 AT 3:00 P.M. FOR THE APPLICATION OF U.R. ROCKIN, INC. DBA UNCLE RON'S FOR THE ADDITION OF A SINGLE-STORY AREA MEASURING APPROX. 36' BY 18' TO THE WEST AND A BEER GARDEN AREA MEASURING APPROX. 59' BY 42' TO THE SOUTHWEST AT THE LICENSED PREMISES AT 2137 CORNHUSKER HWY. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85523 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 12, 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 the application of U.R. Rockin, Inc. dba Uncle Ron's for the addition of a single-story area measuring approx. 36' by 18' to the west and a beer garden area measuring approx. 59' by 42' to the southwest at the licensed premises at 2137 Cornhusker Hwy.

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

Introduced by Jon Camp

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

CHANGE OF ZONE NO. 09023 - REQ. BY ALAN SCHROEDER AMENDING SECTION 27.51.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE USE REGULATIONS IN THE I-3 EMPLOYMENT CENTER DISTRICT TO ADD A PROVISION ALLOWING A BUILDING TO BE USED AS AN ACCESSORY USE FOR A RESIDENCE FOR RESIDENT WATCHMEN AND CARETAKERS OR SUPERVISORY PERSONNEL EMPLOYED AND RESIDING ON THE PREMISES; AND REPEALING SECTION 27.51.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING.

CHANGE OF ZONE NO. 09026 - REQ. BY MARK HUNZEKER AMENDING SECTION 27.45.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED USES IN THE H-4 GENERAL COMMERCIAL DISTRICT TO ADD OFFICE BUILDINGS AS A PERMITTED USE; AND REPEALING SECTION 27.45.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING.

LIQUOR RESOLUTIONS - NONE

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

AMENDING SECTION 9.36.080 OF THE LINCOLN MUNICIPAL CODE TO ADD AN ADDITIONAL EXCEPTION TO THE PROHIBITION AGAINST THE DISCHARGE OF FIREARMS, WEAPONS AND OTHER INSTRUMENTS WITHIN THE CITY LIMITS BY ADDING A NEW SUBSECTION TO ALLOW AN EXEMPTION FOR HUNTS AUTHORIZED BY THE CITY OF LINCOLN ON ITS OWN PROPERTY AND CONDUCTED UNDER THE SUPERVISION OF THE NEBRASKA GAME & PARKS COMMISSION; AND REPEALING SECTION 9.36.080 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jane Snyder, amending Section 9.36.080 of the Lincoln Municipal Code to add an additional exception to the prohibition against the discharge of firearms, weapons and other instruments within the city limits by adding a new subsection to allow an exemption for hunts authorized by the City of Lincoln on its own property and conducted under the supervision of the Nebraska Game & Parks Commission; and repealing Section 9.36.080 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 09022 - APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT TO CREATE A SPECIAL SIGN DISTRICT FOR THE 48TH AND O STREETS REDEVELOPMENT PLAN AREA, GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 48TH AND O STREETS - CLERK read an ordinance, introduced by Jane Snyder, designating the 48th & O Streets Redevelopment Plan area as a special sign district in accordance with the provisions of §27.69.300 of the Lincoln Municipal Code and adopting special criteria for signs in said district, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE AMERICAN LEGION POST #280 FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 970 MONROE, BENNET, NEBRASKA FROM SEPTEMBER 1, 2009 THROUGH AUGUST 31, 2010 - CLERK read an ordinance, introduced by Jane Snyder, accepting and approving a Lease Agreement between the City of Lincoln and American Legion Post #280 for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 970 Monroe, Bennet, NE 68317 for a term beginning September 1, 2009 through August 31, 2010, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE HICKMAN PRESBYTERIAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 300 E. THIRD STREET, HICKMAN, NEBRASKA FROM SEPTEMBER 1, 2009 THROUGH AUGUST 31, 2010 - CLERK read an ordinance, introduced by Jane Snyder, accepting and approving a Lease Agreement between the Hickman Presbyterian Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 300 E. Third Street, Hickman, NE 68372 for a term beginning September 1, 2009 through August 31, 2010, the second time.

ADOPTING AN AMENDED AND RESTATED CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST FOR CIVILIAN (NON-UNIFORMED SERVICE) EMPLOYEES PROVIDING FOR A CHANGE IN EMPLOYER CONTRIBUTIONS FOR EMPLOYEES HIRED AFTER A DATE CERTAIN AND ADOPTING IRS INTERIM AMENDMENTS NO. 1 AND NO. 2 - CLERK read an ordinance, introduced by Jane Snyder, adopting an amended and restated version of the City of Lincoln Employees' Retirement Plan and Trust to provide that the employer contribution for employees hired on or after November 4, 2010 will be an amount equal to 3% of an employee's compensation up to and including \$4,800.00 plus 6% of his or her compensation in excess of \$4,800.00 plus 6% of his or her compensation in excess of \$4,800.00; to adopt Interim Amendment No. 1 relating to final IRS regulations under Internal Revenue Code Section 415 and Section 411(d)(6); and to adopt Interim Amendment No. 2 relating to the plan qualification requirements under the Pension Protection Act of 2006 (PPA) and other I.R.S. guidance; and to repeal Ordinance No. 17685 as hitherto existing, 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 SEPTEMBER 1-15, 2009 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85524 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 September 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 CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>
Ronnie Palmer	NAS*	Harry F. Dingman
\$304.69		
Candace Fangman	NAS*	Gaye Eichelberger
100.00		
Ag Men's Club, Inc.	NAS*	
EMC Insurance Company		<u>SETTLED LITIGATION</u>
(Claim No. 558484) \$12,811.69		Rita J. Choquette, P.R. of the
Mark Dornbos	NAS*	Estate of Emy C. Choquette
\$20,000.00		
Mike & Sandy Ireland	675.93	

WITHDRAWN CLAIMS
Realty Trust Group, Inc.
and MJM, Inc. 17,000,000.00
Wardell Millien NAS*

* 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 Jayne Snyder

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

APPROVING A REQUEST FOR EXCEPTION FROM THE STATE OF NEBRASKA, BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS REGARDING MINIMUM SHOULDER WIDTH IN ORDER TO MINIMIZE THE IMPACT OF ROADWAY CONSTRUCTION ON N.W. 48TH STREET, ST. PAUL TO CLEVELAND - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85525 WHEREAS, the State of Nebraska, Board of Public Roads Classifications and Standards has established a minimum shoulder width of 8 feet for non-curbed Urban Arterial Streets; and

WHEREAS, the 2-3 foot wide shoulders proposed for City Project 900001 - W. Cuming Street and Executive Order 80421 - N.W. 48th Street, St. Paul to Cleveland, do not meet such minimum design standard for shoulder widths on Urban Arterial Streets; and

WHEREAS, the City of Lincoln desires to request a modification of the Standards by the Board of Public Roads Classification and Standards so as to not substantially affect existing ditches and drainage structures in the adjacent right-of-way through the proposed reconstruction of these projects; and

WHEREAS, the City of Lincoln believes that the granting of such an exception will not impair the safety of traffic within the limits of these projects;

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

Pursuant to Neb. Rev. Stat. § 39-2113(5) (Reissue 2008), the City of Lincoln does hereby request that the Board of Public Roads Classifications and Standards grant an exception to the above described minimum shoulder width to allow 2-3 foot wide shoulders for the following City Projects: 900001 - W. Cuming Street and E.O. 80421 - N.W. 48th Street, St. Paul to Cleveland.

BE IT FURTHER RESOLVED that the Director of Public Works and Utilities is hereby authorized and directed to forward a copy of this Resolution to the Board of Public Roads Classifications and Standards as a part of the City of Lincoln's request for the design exception.

Introduced by Jayne Snyder

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

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE STATE GAME & PARKS COMMISSION FOR A RECREATIONAL TRAIL PROGRAM GRANT TO ASSIST IN FUNDING THE RENOVATION OF THE BILLY WOLFF TRAIL BETWEEN 56TH STREET AND 58TH STREET, ADJACENT TO VAN DORN STREET - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85526 WHEREAS, the City of Lincoln through its Parks & Recreation Department is applying to the Nebraska Game and Parks Commission for financial assistance from the Recreation Trails Program Grant funds for the renovation of the Billy Wolff Trail between 56th Street and 58th Street, adjacent to Van Dorn Street; and

WHEREAS, the total cost of the project will be \$62,100 of which the Recreation Trails Program request will be \$49,700, and the City's cost will be \$12,400; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for the public.

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

1. The City of Lincoln hereby expresses its support for the application being made by its Parks & Recreation Department to the Nebraska Game and Parks Commission for financial assistance from the Recreation Trails Program fund for the purpose of constructing and renovating the project described above and known as the Billy Wolff Trail and its commitment to the on-going maintenance of the trail.

2. The City of Lincoln currently has the commitment for its 20% local matching share, for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for this project.

3. The City of Lincoln will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for public use.

4. The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of the proposed project acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act.

5. The City of Lincoln will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project.

6. The City of Lincoln will comply with the Federal disability access and use standards where they can be reasonably applied, in accord with the Americans with Disabilities Act of 1991.

7. The Mayor is hereby authorized to sign all documents necessary and required to make application to acquire said grant funds.

8. The City Clerk is directed to transmit a certified copy of this resolution to the Parks & Recreation Department for transmittal to the Nebraska Game and Parks Commission.

Introduced by Jayne Snyder

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$49,300.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 30) - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85527 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$49,300.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 30) attached hereto and incorporated herein by reference.

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

The designation of the \$49,300.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with the respective agencies providing said human services.

Introduced by Jayne Snyder

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

COMP. PLAN CONFORMITY NO. 09005 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN FOR THE BLOCK 68 REDEVELOPMENT PROJECT FOR THE DEVELOPMENT OF A HOTEL AND ENTERTAINMENT COMPLEX, MIXED-USE RESIDENTIAL AND COMMERCIAL BUILDING WITH RETAIL ON THE FIRST FLOOR AND PARKING FACILITY FOR THE PROPOSED USES ON PROPERTY LOCATED ON THE BLOCK BOUNDED BY 10TH, 11TH, M AND N STREETS. (9/21/09 - P.H. & ACTION CON'T. TO 9/28/09) - PRIOR to reading:

COOK Moved to Place Bill No. 09R-165 on Pending, No Date Certain with Public Hearing when removed.

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

PUBLIC HEARING RESOLUTION & ORDINANCES - 3RD READING

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN M CLASS EMPLOYEES ASSOCIATION EFFECTIVE AUGUST 20, 2009. (8/31/09 - P.H. CON'T W/ACTION TO 9/14/09) (9/14/09 - P.H. CON'T. W/ACTION TO 9/28/09) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

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

The resolution, having **LOST**, was assigned the File #38-4596 & was placed on file in the Office of the City Clerk.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR ATTORNEY. (8/3/09 - PLACED ON PENDING; TO BE REMOVED FOR 1ST READING AT SAME TIME AS M CLASS HAS 1ST READING) (8/31/09 - P.H. CON'T W/ACTION TO 9/14/09) (9/14/09 - P.H. CON'T. W/ACTION TO 9/28/09) - PRIOR to reading:

COOK Moved to Place Bill No. 09-97 on Pending, No Date Certain.

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY REVISING THE CLASSIFICATION OF ATTORNEY II. (8/3/09 - PLACED ON PENDING; TO BE REMOVED FOR 1ST READING AT SAME TIME AS M CLASS HAS 1ST READING) (8/31/09 - P.H. CON'T W/ACTION TO 9/14/09) (9/14/09 - P.H. CON'T. W/ACTION TO 9/28/09) - PRIOR to reading:

COOK Moved to Place Bill No. 09-98 on Pending, No Date Certain.

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

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. (8/3/09 - PLACED ON PENDING; TO BE REMOVED FOR 1ST READING AT SAME TIME AS M CLASS HAS 1ST READING) (8/31/09 - P.H. CON'T W/ACTION TO 9/14/09) (9/14/09 - P.H. CON'T. W/ACTION TO 9/28/09) - PRIOR to reading:

COOK Moved to Place Bill No. 09-100 on Pending, No Date Certain.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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. (8/3/09 - PLACED ON PENDING; TO BE REMOVED FOR 1ST READING AT SAME TIME AS M CLASS HAS 1ST READING) (8/31/09 - P.H. CON'T W/ACTION TO 9/14/09) (9/14/09 - P.H. CON'T. W/ACTION TO 9/28/09) - PRIOR to reading:

COOK Moved to Place Bill No. 09-101 on Pending, No Date Certain.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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. (8/3/09 - PLACED ON PENDING; TO BE REMOVED FOR 1ST READING AT SAME TIME AS M CLASS HAS 1ST READING) (8/31/09 - P.H. CON'T W/ACTION TO 9/14/09) (9/14/09 - P.H. CON'T. W/ACTION TO 9/28/09) - PRIOR to reading:

COOK Moved to Place Bill No. 09-103 on Pending, No Date Certain.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING AND RATIFYING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN FIREFIGHTERS ASSOCIATION, LOCAL NO. 644, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, EFFECTIVE AUGUST 20, 2009 THROUGH AUGUST 31, 2010. (9/14/09 - PLACED ON PENDING TO HAVE P.H. W/ACTION ON 9/28/09) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85528 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor agreement between the City of Lincoln and the Lincoln Firefighters Association, Local No. 644, International Association of Firefighters, to be effective August 20, 2009, is hereby ratified and approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook

Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Snyder; NAYS: Camp, Hornung, Spatz.

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (as required) - NONE

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND ST. JAMES UNITED METHODIST CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2400 S. 11TH STREET, LINCOLN, NEBRASKA FROM SEPTEMBER 1, 2009 TO AUGUST 31, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and St. James United Methodist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2400 S. 11th Street, Lincoln, NE 68502 for a term beginning September 1, 2009 through August 31, 2010, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered **#19308**, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND FIRST UNITED METHODIST CHURCH/WAVERLY FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 14410 FOLKESTONE STREET, WAVERLY, NEBRASKA FROM SEPTEMBER 1, 2009 TO AUGUST 31, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church of Waverly for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 14410 Folkestone Street, Waverly, NE 68462 for a term beginning September 1, 2009 through August 31, 2010, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered **#19309**, is recorded in Ordinance Book #26, Page

APPROVING AND RATIFYING AN ADDENDUM TO THE LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND ENTERPRISE CO., INC. DBA CORNHUSKER CENTER FOR THE LEASE OF SPACE AT 2662 CORNHUSKER HIGHWAY FOR A PERIOD OF NOVEMBER 1, 2008 THROUGH OCTOBER 31, 2010 FOR THE WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM - CLERK read an ordinance, introduced by Jonathan Cook, be it ordained by the City Council of the City of Lincoln, Nebraska: That the attached Sixth Addendum to Lease Agreement between Enterprise Company, Inc. dba Cornhusker Center, and the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department, for the lease of space located at 2662 Cornhusker Highway for a two-year term from November 1, 2008 through October 31, 2010 for the Women, Infants and Children (WIC) Program, in accordance with the terms and conditions contained in said Agreement, is hereby ratified and approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered **#19310**, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE SESSION

Dale Garner, 4415 Calvert Street, came forward to plea with Council to address his ongoing sidewalk repair issue. He said if the reason for delay is a lack of funding, he advised Council that the cost of concrete is increasing as time goes on. He gave the City an ultimatum to repair his sidewalk in 30 days or he will hire an attorney.

Mike Morosin, 1500 N. 15th St., came forward to inquire if public sidewalk repair funds came from a current wheel tax. He suggested the City form a plan.

Roger Figard, Public Works & Utilities Dept. Engineer, came forward to clarify where funding originates.

Steven Lawhead, 3408 Mohawk St., came forward to present reported findings on a conspiracy theory relating to the September 11, 2001 terrorism attacks involving four hijacked airliners, the crash into the Pentagon and the collapse of the World Trade Center.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to October 5, 2009.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on October 5, 2009.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 8:44 P.M.

CAMP Moved to adjourn the City Council meeting of September 28, 2009.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING
SEPTEMBER 28, 2009
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