

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 12, 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

COOK Having been appointed to read the minutes of the City Council proceedings of October 5, 2009 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Beutler awarded the Mayor's Award of Excellence to a team from Parks and Recreation Forestry Section: Arborists Dennis Gartner, Jeffrey Gruer, Allen Keen, Joseph Pett, and Andrew Walker for the categories of Customer Relations, Loss Prevention, Productivity, and Safety. He stated Bob Wehyrich, Supervisor, nominated them after receiving a letter from Houghton Furr a public citizen. After a recent storm a large branch from a City tree was hanging over the street so Mr. Furr called the Forestry section. These men removed the branch the same day they were called and at this time Mr. Furr brought it to their attention the remainder of that tree and two others that were probably dead and would cause further problems. Within two weeks a full crew arrived to remove these huge trees in less than five hours. He stated the cleanup was thorough and complete and the crew was friendly and helpful making the whole job first rate. He wrote the team was the most professional, knowledgeable and hardworking group he had the pleasure of observing in recent memory.

Lynn Johnson, Parks & Recreation Director, came forward to express his appreciation of the award to this team and to thank Mr. Furr for expressing his appreciation. He stated these men take great pride in their work.

Steve Schwab, City Arborist, stated he is very proud of his employees who are very dedicated and care a lot, not only about the job they do, but about the trees.

Bob Wehyrich, Asst. City Arborist, came forward to state that these gentlemen believe in results and results are why they are here. He thanked them and thanked Mr. Furr for taking the time to acknowledge these men to their supervisors.

Houghton Furr came forward to thank the Mayor for presenting this award to these men. He speaks highly of those who hire these employees who represents the City in the absolute best way.

The recipients came forward to make remarks of appreciation.

PUBLIC HEARING

APPLICATION OF UR ROCKIN INC. DBA UNCLE RON'S FOR THE ADDITION OF AN AREA MEASURING APPROXIMATELY 59 FEET BY 42 FEET TO THE SOUTHEAST AND AN OUTDOOR BEER GARDEN AREA MEASURING 36 FEET BY 20 FEET TO THE EAST OF THE LICENSED PREMISES AT 2137 CORNHUSKER HIGHWAY - Ron Tegtmeier, 1800 Tiffany Dr., took the oath and stated this was to add a beer garden to be used as an area for smokers.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN LINCOLN MEDICAL EDUCATION PARTNERSHIP AND THE CITY OF LINCOLN FOR AN INCREASE FROM 200 SQ. FT. TO 511 SQ. FT. OF LEASED SPACE FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT WIC PROGRAM AT 4600 VALLEY ROAD - Judy Halstead, Health Dept., stated the Health Department has used this location for 15 years for a nutrition program to pregnant women & to children provided for through Federal funding. The funds come from the US Department of Agriculture on a pass through to the Nebraska Department of Health and Human Services. The Health Department does not provide primary medical care for adults and children so this location provides the primary medical care. This amendment will allow the Health Department to pay for the space they have been using. LMED provides staff for three days a week, in kind, and the Health Department provides staff for two days a week. The rent will be \$580 per month.

This matter was taken under advisement.

CHANGE OF ZONE 09021 - AMENDING CHAPTER 27.81 OF THE LINCOLN MUNICIPAL CODE RELATING TO GENERAL PROVISIONS OF THE ZONING CODE BY ADDING A NEW SECTION NUMBERED 27.81.021 TO PROVIDE A PROCEDURE FOR APPEALS OF ADMINISTRATIVE APPROVALS BY THE PLANNING DIRECTOR, AND BY ADDING A NEW SECTION NUMBERED 27.81.022 TO PROVIDE THE MANNER FOR GIVING NOTICE OF THE PLANNING DIRECTOR'S GRANT OF ADMINISTRATIVE APPROVALS - Marvin Krout explained this as a new procedure for appeals of administrative actions by the Planning Director under the Zoning Code. This allows for making amendments which are minor in nature by definition to Special Permits, Use Permits, P.U.D.'s, C.U.P.'s or in some cases cell towers or signs. There is a process for final plats in the subdivision ordinance and for administrative waivers of design standards that are approved by Council resolution and that if an aggrieved party or Council member feels an administrative decision has been made in error then the appeal is to the Planning Commission within 14 days of the administrative action. If someone is not satisfied at the Planning Commission level then there is a final appeal to the City Council. Administrative amendment signs are not put up and notices are not sent out to properties within a certain distance. There are a lot of administrative appeals and most of them are pretty simple with no impact on neighboring properties. Administrative approvals will be sent to the City Clerk Office weekly which will then be placed on the Agenda under Reports of City Officers. This matter was taken under advisement.

CHANGE OF ZONE 2463D - APPLICATION OF THE 3 AMIGOS PROPERTIES, LLC, TO AMEND THE HIGHPOINTE PLANNED UNIT DEVELOPMENT TO ALLOW A CHANGEABLE COPY FREESTANDING SIGN TO BE LOCATED IN THE COMMERCIAL COMPONENT OF THE DEVELOPMENT ADJACENT TO OLD CHENEY ROAD, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF S. 48TH STREET AND OLD CHENEY ROAD - Jerry Nelson, 1005 Primrose Lane, Hickman, NE, came forward to request to have a changeable copy sign. There are four or five tenants at this location so to use a monument sign the wording would be so small to read. The signage will be closer to the road. He is aware of the safety issues of such a sign as Planning Department made it very clear the limitations on what can be on this changeable message board and how quickly they can change. This matter was taken under advisement.

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 2518 P ST., 1416 N. 21ST ST., 2335 S. 39TH ST., 835 PEACH ST., 837 SOUTH ST., 2910 T ST., 3090 T ST., 1334 N. 20TH ST., 844 PEACH ST., 4901 NORMAL BLVD., 1411 N. 24TH ST., 1425 N. 24TH ST., 2744 STARR ST., 913 ROSE ST., 5118 KNOX ST., 1434 N. 27TH ST., 2026 LAKE ST., 1944 L ST., 1645 WASHINGTON ST., 405 S. 26TH ST., 417 S. 26TH ST., 1629 PROSPECT ST., 4321 GREENWOOD ST., 6501 FRANKLIN ST., 425 N. 28TH ST., 4011 N. 60TH ST., 3203 ORCHARD ST., 1645 WASHINGTON ST., 1130 N. 29TH ST., 1200 S. 16TH ST., 2400 N ST., 1834 PROSPECT ST., 2024 S. 18TH ST., 540 N. 28TH ST., 309 S. 25TH ST., 1105 N. 25TH ST., 6935 COLFAX AVE., 336 N. 32ND ST., 830 N. 25TH ST., 2525 CLEVELAND ST., 826 S. 31ST ST., 540 N. 48TH ST., 2327 D ST., 6927 AYLESWORTH ST., 344 N. 27TH ST. - Scott Holmes, Environmental Health Division of Lincoln Lancaster County Health Department, stated these are the assessments due based on property clearances for nuisance conditions. Typically this is for problems with garbage of which approximately 70% are rental properties who don't have garbage service. Due to the economy there has been a record number of abatements performed this year. A letter was received from the owner of 336 N. 32nd Street stating they should not be assessed as the problem was taken care of. There was a complaint at this address in early June which was cleaned up. A similar complaint was received in late June. The owner and occupant were notified by certified letter on July 2, 2009. A check was done a week later on July 9, 2009 which showed it had not been cleaned up. Photographs were then taken on July 10, 2009 showing the garbage still on the ground at which time the contractor cleaned it up. It may have been possible the owner drove by after the contractor cleaned up the garbage thinking the tenant was the one who cleaned it up. This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 28, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED AUGUST 31, 2009 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85533 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended August 31, 2009, \$379,627.73 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR SEPTEMBER 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF AUGUST 2009: BLACK HILLS/NEBRASKA GAS UTILITY COMPANY, LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE MONTH OF JULY 2009: CHARTER FIBERLINK - NEBRASKA, LLC; AUGUST 2009: INETWORKS GROUP, VONAGE AMERICA, VONAGE AMERICA, BUDGET PREPAY, GRANITE TELECOMM., 8X8, 8X8, QWEST COMM., AT&T COMM. OF MIDWEST, LEVEL 3, LEVEL 3, TWC DIGITAL PHONE, AT&T COMM. OF MIDWEST, COMTEL TELCOM ASSETS, ACN COMM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF JULY 2009: USCOC OF GREATER IOWA, TWC DIGITAL PHONE, VIRGIN MOBILE USA, AT&T COMM. OF MIDWEST, QWEST, NEW CINGULAR WIRELESS, WINDSTREAM NEBRASKA, VERIZON WIRELESS, OMAHA CELLULAR, NEBRASKA TECHNOLOGY & TELECOMM., IBFA ACQUISITION, NORSTAN NETWORK, CELLCO PARTNERSHIP, SIOUX CITY MSA, KDDI AMERICA, TRANS NATIONAL, INCONTACT, IBM GLOBAL, QUANTUM SHIFT, CIMCO, TON. TELECORP, MCLEODUSA, WORKING ASSETS, ONSTAR, BROADBAND DYNAMICS, XO COMM., GRANITE, PRIMUS, ACN, GLOBAL CROSSING, USCOC OF NE/KS, GLOBALSTAR USA, VOICECOM, TCG OMAHA, INTELICALL OPERATOR, NEW EDGE NETWORKS, BROADWING, CINCINNATI BELL ANY DISTANCE, CTI, TRACFONE WIRELESS; AUGUST 2009: UNITE PRIVATE NETWORKS, D&D, ALLTEL, ALLTELL COMM. OF NE, UNITE PRIVATE NETWORKS, WINDSTREAM NE, SPRINT SPECTRUM, NEXTEL, SPRINT, CRICKET, MCI, NETWORK BILLING, I-WIRELESS, NEXTEL WEST, VIAERO, SBC LONG DISTANCE, BT AMERICAS, TRI-M, ENHANCED COMM., YESTEL USA, TOTAL HOLDINGS, ZONE, NOSVA, LIGHTYEAR NETWORK, GLOBALCOM, FIRST COMM., 360NETWORKS (USA), COVISTA, ATS MOBILE, WHOLESALE CARRIER - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 09025 - Application of Engineering Design Consultants from R-5 to H-4 on property generally located at S. 33rd Street and Yankee Hill Road.

Special Permit 07015A - Application of Sue Brouse, Don Brouse, and Thomas Folsom for an amendment to the Tamarin Ridge Planned Service Commercial to allow a 22,000 sq. ft. auto dealer or other H-4 permitted use on Lot 5 and updating the hotel sq. ft. and parking requirements on property generally located at S. 27th Street and Tamarin Ridge Road.

Special Permit 09022 - Application of Engineering Design Consultants for a special permit for Wilderness Place Planned Service Commercial to allow a 50,000 sq. ft. auto dealer on property generally located at S. 33rd Street and Yankee Hill Road.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 19, 2009 AT 3:00 P.M. FOR THE APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP CONVENIENCE SHOP FOR A CLASS D LIQUOR LICENSE LOCATED AT 2140 K STREET, SUITE 100 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85534 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 19, 2009 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Whitehead Oil Company dba U-Stop Convenience Shop for a Class D liquor license located at 2140 K Street, Suite 100.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 2, 2009 AT 3:00 P.M. FOR THE APPLICATION OF GOKIE PETROLEUM, INC. DBA FAST MART FOR A CLASS D LIQUOR LICENSE LOCATED AT 3293 A STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85535 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 2, 2009 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Gokie Petroleum Inc. dba Fast Mart for Class D liquor license located at 3293 A Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 2, 2009 AT 3:00 P.M. FOR THE APPLICATION OF STRONG ISLAND ENTERPRISE, INC. DBA BRICKTOP FOR A CLASS C LIQUOR LICENSE LOCATED AT 1427 O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85536 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 2, 2009 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Strong Island Enterprise, Inc. dba Bricktop for a Class C liquor license located at 1427 O Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 2, 2009 AT 3:00 P.M. FOR THE APPLICATION OF STOP 'N SHOP, INC. DBA STOP 'N SHOP FOR A CLASS D LIQUOR LICENSE LOCATED AT 5640 S. 16TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85537 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 2, 2009 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Stop 'N Shop, Inc. dba Stop 'N Shop #7 for a Class D liquor license located at 5640 S. 16th Street.

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

Introduced by Jonathan Cook

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

LIQUOR RESOLUTIONS

APPLICATION OF UR ROCKIN INC. DBA UNCLE RON'S FOR THE ADDITION OF AN AREA MEASURING APPROXIMATELY 59 FEET BY 42 FEET TO THE SOUTHEAST AND AN OUTDOOR BEER GARDEN AREA MEASURING 36 FEET BY 20 FEET TO THE EAST OF THE LICENSED PREMISES AT 2137 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85538 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 UR Rockin Inc. dba Uncle Ron's to expand its licensed premises by the addition of an area measuring 59 feet by 42 feet to the southeast and an outdoor beer garden area measuring approximately 36 feet by 20 feet to the east of the presently licensed premises located at 2137 Cornhusker Highway, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

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

APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN LINCOLN MEDICAL EDUCATION PARTNERSHIP AND THE CITY OF LINCOLN FOR AN INCREASE FROM 200 SQ. FT. TO 511 SQ. FT. OF LEASED SPACE FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT WIC PROGRAM AT 4600 VALLEY ROAD - CLERK read an ordinance, introduced by Gene Carroll, accepting and approving an Amendment to the Lease Agreement between the City of Lincoln, Nebraska and the Lincoln Medical Education Partnership for an increase frm 200 sq. ft. to 511 sq. ft. of leased space at 4600 Valley Road, Lincoln, Lancaster County, Nebraska, on behalf of the Lincoln-Lancaster County Health Department for its WIC Program, the second time.

CHANGE OF ZONE 09021 - AMENDING CHAPTER 27.81 OF THE LINCOLN MUNICIPAL CODE RELATING TO GENERAL PROVISIONS OF THE ZONING CODE BY ADDING A NEW SECTION NUMBERED 27.81.021 TO PROVIDE A PROCEDURE FOR APPEALS OF ADMINISTRATIVE APPROVALS BY THE PLANNING DIRECTOR, AND BY ADDING A NEW SECTION NUMBERED 27.81.022 TO PROVIDE THE MANNER FOR GIVING NOTICE OF THE PLANNING DIRECTOR'S GRANT OF ADMINISTRATIVE APPROVALS - CLERK read an ordinance, introduced by Gene Carroll, amending Chapter 27.81 of the Lincoln Municipal Code relating to General Provisions of the Zoning Code by adding a new section numbered 27.81.021 to provide a procedure for appeals of administrative approvals by the Planning Director, and by adding a new section numbered 27.81.022 to provide the manner for giving notice of the Planning Director's grant of administrative approvals, the second time.

CHANGE OF ZONE 2463D - APPLICATION OF THE 3 AMIGOS PROPERTIES, LLC, TO AMEND THE HIGHPOINTE PLANNED UNIT DEVELOPMENT TO ALLOW A CHANGEABLE COPY FREESTANDING SIGN TO BE LOCATED IN THE COMMERCIAL COMPONENT OF THE DEVELOPMENT ADJACENT TO OLD CHENEY ROAD, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF S. 48TH STREET AND OLD CHENEY ROAD - CLERK read an ordinance, introduced by Gene Carroll, amending the development plan for the Highpointe Planned Unit Development to allow a changeable copy freestanding sign to be located in the commercial component of the development adjacent to Old Cheney Road, on property generally located southwest of the intersection of South 48th Street, and Old Cheney Road and legally described as Lot 2, Block 1, Highpointe Addition, Lincoln, Lancaster County, Nebraska, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE PANAMA CAFÉ FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 310 LOCUST STREET, PANAMA, NEBRASKA FROM SEPTEMBER 1, 2009 TO AUGUST 31, 2010 - CLERK read an ordinance, introduced by Gene Carroll, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and the Panama Café for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 310 Locust Street, Panama, NE 68419 for a term beginning September 1, 2009 through August 31, 2010, 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 16-30, 2009 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85539 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated October 1, 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>
Randy Nootz	\$1,785.00	American Family Insurance Group
Alexandra Maffuccio	53.00	(Claim No. 00-071-493323 3912) \$1,942.75
		Mary and Travis Gueret 189.82
		Mary Lou Hanson 300.00
		Black Hills Energy 446.86
		Burriss Enterprises, Inc. 86.00
		Shawn and Rachael Pekarek 1,988.30
		James S. Sackett 520.48

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

Introduced by Eugene Carroll

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

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 2518 P ST., 1416 N. 21ST ST., 2335 S. 39TH ST., 835 PEACH ST., 837 SOUTH ST., 2910 T ST., 3090 T ST., 1334 N. 20TH ST., 844 PEACH ST., 4901 NORMAL BLVD., 1411 N. 24TH ST., 1425 N. 24TH ST., 2744 STARR ST., 913 ROSE ST., 5118 KNOX ST., 1434 N. 27TH ST., 2026 LAKE ST., 1944 L ST., 1645 WASHINGTON ST., 405 S. 26TH ST., 417 S. 26TH ST., 1629 PROSPECT ST., 4321 GREENWOOD ST., 6501 FRANKLIN ST., 425 N. 28TH ST., 4011 N. 60TH ST., 3203 ORCHARD ST., 1645 WASHINGTON ST., 1130 N. 29TH ST., 1200 S. 16TH ST., 2400 N ST., 1834 PROSPECT ST., 2024 S. 18TH ST., 540 N. 28TH ST., 309 S. 25TH ST., 1105 N. 25TH ST., 6935 COLFAX AVE., 336 N. 32ND ST., 830 N. 25TH ST., 2525 CLEVELAND ST., 826 S. 31ST ST., 540 N. 48TH ST., 2327 D ST., 6927 AYLESWORTH ST., 344 N. 27TH ST. - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85540 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the premise clearance costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2009 and draw interest as provided for in Neb. Rev. Stat. § 45-104.01 for assessments.

Introduced by Eugene Carroll

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

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

DECLARING TWO PARCELS OF CITY OWNED PROPERTY, COMMONLY KNOWN AS 4802 O STREET AND 4850 O STREET AS SURPLUS AND AUTHORIZING THE SALE THEREOF TO SUP FAMILY II, LLC - CLERK read an ordinance, introduced by Jonathan Cook, declaring two parcels of City-owned property generally located at the northeast corner of 48th and O Streets as surplus and authorizing the sale thereof to Sup Family II, LLC, the first time.

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

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 NOS. 1 AND NO. 2. (10/5/09 - Action Delayed to 10/12/09) - PRIOR to reading:

COOK Moved to delay action of Bill No. 09-132 for one week to 10/19/09.

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) (9/28/09 - PLACED ON PENDING, NO DATE CERTAIN); (10/5/09 - Removed from Pending for Action 10/12/09) - PRIOR to reading:

COOK Moved to accept motion to amend #2, Substitute Ordinance #2.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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 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; amending Section 2.76.145 Merit Pay Plan, Administration and Requirements for Advancement, to include Excluded Employees; amending Section 2.76.150 Merit Pay Plan, Pay Increases for Exceptional Service, to include Excluded Employees; amending 2.76.155 Longevity Pay to adjust the annual longevity pay plan relating to employees with a pay range prefixed by "N" or "X"; repealing Section 2.76.160 Variable Merit Pay Plan; amending Section 2.76.175 Promotion, Transfer, Demotion or Temporary Promotion relating to Excluded Employees; amending Section 2.76.200 Temporary Assignment to a Higher Classification relating to Excluded Employees; amending Section 2.76.380 Sick Leave with Pay, as it relates to employees with a pay range prefixed by N or X; and repealing Sections 2.76.040, 2.76.130, 2.76.135, 2.76.145, 2.76.150, 2.76.155, 2.76.175, 2.76.200, and 2.76.380 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL Moved to pass the ordinance as amended.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19317, is recorded in Ordinance Book #26, Page

OPEN MICROPHONE SESSION

Lucas Peterson, 2520 R Street, came forward to urge the City Council and Mayor to sign an ordinance to correct injustices in the community in reference to acceptance of sexual orientation in the workplace.

This matter was taken under advisement.

Teri Pope Gonzalez, 349 South 1st Street, came forward to ask the City Council what is the criteria to return somebody's phone call? She stated she left messages on September 29, 30, October 2, 7, 8 & 9, but calls were never returned.

Doug Emery stated that he tries to return calls as he receives the message. The City Council is not here every day so sometimes the message is not received until Monday.

Jon Camp commented that the City Council receives a packet Thursday evenings that includes everything that has been received up to that date, otherwise, it will be given to them on Monday prior to the meeting. The messages are assigned to the Council person representing the persons district.

This matter was taken under advisement.

John Austin, no address given, came forward to question how the Lancaster Manor can be sold with only one bid. He thinks this needs to be looked into further. He feels the County should keep the Manor.

Jon Camp, Council Member, stated the Lancaster Manor is legally owned by the County who legislates this property. The City does not have any jurisdiction over this property.

This matter was taken under advisement.

Steven Lawhead, 3400 Mohawk St., came forward to read an excerpt of a statement made by Lt. Col. Shelton Lankford, a retired U.S. Marine Corps fighter pilot and member of Pilots for 9/11 Truth. The statement was his opinion of issues surrounding 9/11.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to October 19, 2009.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on
October 19, 2009.
 Seconded by Spatz & carried by the following vote: AYES: Camp,
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 4:08 P.M.

CAMP Moved to adjourn the City Council meeting of October 12, 2009.
 Seconded by Spatz & carried by the following vote: AYES: Camp,
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

