

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 26, 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**

SNYDER Having been appointed to read the minutes of the City Council proceedings of October 19, 2009 reported having done so, found same correct.

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

Council Chair Emery recognized members of a University of Nebraska-Lincoln journalism class who were in attendance.

**PRESENTATION**

Owen Roberts-Day, YMCA representative who works with the Community Learning Centers at Mickle Middle School & Pershing Elementary, came forward to introduce the Youth After School Ambassadors who participated in the annual Lights On After School Rally on October 22nd. The entirely planned-and-executed-by-students event celebrated effective programs for youth in the community.

Constance Cushman, Huntington Elementary School 5<sup>th</sup> Grader, came forward to share that rather than being home alone after school she can connect with other children and complete her homework without the fear of strangers approaching or calling.

Ashlyn Drews, Riley Elementary School 4<sup>th</sup> Grader, came forward in gratitude for after school programs which have provided her, as well as thousands of other Lincoln families, with a place of safety, access to educational clubs and healthy snacks.

Katy Hart, Lux Middle School 7<sup>th</sup> Grader, came forward to speak in support of the Lights on After School Program. She said her involvement the last two years have allowed her to make new friends, participate in activities, complete projects & assignments all in a safe, positive and character-building environment. She said she has made honor roll all of 6<sup>th</sup> Grade and the first quarter of 7<sup>th</sup> Grade.

Council Chair Emery expressed appreciation to the students.

Council Member Spatz thanked the speakers and stated he was in attendance at the Rally and felt the students did a marvelous job. He said through his career in the educational world he has found that other places look to Lincoln as a model for after school programs.

**PUBLIC HEARING**

CHANGE OF ZONE 09023 - 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 - Marvin Krout, Director of Planning, came forward to answer questions. He said the general thought is that residential uses do not mix well with industrial uses except for the inclusion of resident watchmen in I-1 and I-2 districts. The amendment will add this provision to the I-3 category as well.

This matter was taken under advisement.

VACATION 09005 - VACATING THE ENTIRE EAST-WEST ALLEY BETWEEN NORTH 41ST STREET AND NORTH 42ND STREET, NORTH OF Y STREET - Marvin Krout, Director of Planning, came forward to state that the property owner who initiated the vacation wants a paved rear access to their garage.

Roger Figard, Public Works & Utilities City Engineer, came forward to state that the alley has never been officially graded nor engineered. He said neighbors have agreed on property ownership.

Clint Thomas came forward to answer Council questions. He said he believed proceeds of these kind of sales go to the Advanced Land Acquisition Fund. Mr. Thomas said he would follow up with Council to verify this fact.

This matter was taken under advisement.

CHANGE OF ZONE 09026 - 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 - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward to state the proposed text amendment will allow office buildings as a permitted use in the H-4 district. He said an ancient policy discouraged office uses outside the downtown area. Mr. Hunzeker said the specific definition of office buildings includes medical testing facilities -- the very reason his client was seeking a building permit.

Marvin Krout, Director of Planning, came forward to say his office is comfortable with this change. He said eventually they may move toward eliminating the special permit requirement for this category.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

AFFIDAVIT OF MAILING FOR THE BOARD OF EQUALIZATION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY & DOWNTOWN MAINTENANCE DISTRICT TO BE HELD ON MONDAY, NOVEMBER 9, 2009 AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 12, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

APPOINTING GERALD R. FINNEGAN JR. TO THE CITY AUDIT ADVISORY BOARD FOR A TERM EXPIRING MARCH 1, 2011 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85548 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Gerald R. Finnegan Jr. to the City Audit Advisory Board for a term expiring March 1, 2011, is hereby approved.

Introduced by Adam Hornung

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

APPOINTING DOUGLAS GANZ AND JANE RAYBOULD TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR THREE-YEAR TERMS EXPIRING ON SEPTEMBER 1, 2012 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85549 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Douglas Ganz and Jane Raybould to the Community Health Endowment Board of Trustees for three-year terms expiring September 1, 2012, is hereby approved.

Introduced by Adam Hornung

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

REAPPOINTING ALISON LARSON TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2012 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85550 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Alison Larson to the Community Health Endowment Board of Trustees for a three-year term expiring September 1, 2012, is hereby approved.

Introduced by Adam Hornung

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

REAPPOINTING JAN GAUGER TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A FIVE-YEAR TERM EXPIRING JULY 1, 2014 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85551 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jan Gauger to the Lincoln Housing Authority Board for a five-year term expiring July 1, 2014, is hereby approved.

Introduced by Adam Hornung

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

REAPPOINTING MODESTA PUTLA AND MARTIN RAMIREZ TO THE MAYOR'S MULTICULTURAL ADVISORY COMMITTEE FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 18, 2012 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85552 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Modesta Putla and Martin Ramirez to the Mayor's Multicultural Advisory Committee for three-year terms expiring September 18, 2012, is hereby approved.

Introduced by Adam Hornung

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

APPOINTING LYNN O. SUNDERMAN TO THE BOARD OF ZONING APPEALS FOR A TERM EXPIRING FEBRUARY 1, 2011 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85553 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Lynn O. Sunderman to the Board of Zoning Appeals for a term expiring February 1, 2011, is hereby approved.

Introduced by Adam Hornung

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

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Special Permit No. 804K - App. of Husker Exteriors for an amendment to adjust a setback in the Silver Ridge Condominiums in the Taylor Park Community Unit Plan to allow for the enclosure of a sunroom on property generally located at Teton Drive and Silver Ridge Road.

Special Permit No. 09023 - App. of Natasha Olsen for an early childhood care facility on property generally located at SW 27th Street and West A Street.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 9, 2009 AT 3:00 P.M. FOR THE APPLICATION OF JAMES HARMON DBA CHEAPEST DAMN CIGARETTES FOR AN UPGRADE TO A CLASS D LIQUOR LICENSE AT 4821 CORNHUSKER HWY - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85554 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 9, 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 James Harman dba Cheapest Damn Cigarettes for an upgrade to a Class D liquor license located at 4821 Cornhusker Hwy.

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

Introduced by Jayne Snyder

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 9, 2009 AT 3:00 P.M. FOR THE APPLICATION OF OLD FEDERAL PLACE, LLC DBA THE GRAND MANSE FOR AN UPGRADE TO A CLASS CK LIQUOR LICENSE WITH THE ADDITION OF UNIT 113 AT 129 N. 10TH STREET - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85555 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 9, 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 Old Federal Place, LLC dba The Grand Manse for an upgrade to a Class CK liquor license with the addition of Unit 113 located at 129 N. 10th Street.

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

Introduced by Jayne Snyder

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

#### LIQUOR RESOLUTIONS - NONE

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

CHANGE OF ZONE 09023 - 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 - CLERK read an ordinance, introduced by Adam Hornung, 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, the second time.

VACATION 09005 - VACATING THE ENTIRE EAST-WEST ALLEY BETWEEN NORTH 41ST STREET AND NORTH 42ND STREET, NORTH OF Y STREET - CLERK read an ordinance, introduced by Adam Hornung, vacating the east-west alley between North 41<sup>st</sup> Street, north of Y Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 09026 - 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 - CLERK read an ordinance, introduced by Adam Hornung, 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, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE ASIAN COMMUNITY & CULTURAL CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2615 O STREET, LINCOLN, NEBRASKA FROM SEPTEMBER 1, 2009 TO AUGUST 31, 2010 - CLERK read an ordinance, introduced by Adam Hornung, accepting and approving a Lease Agreement between the City of Lincoln and the Asian Community & Cultural Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2615 O Street, Lincoln, NE 68510 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 OCTOBER 1 - 15, 2009 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85556 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 15, 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>	
Carole Allemang	\$519.91	Estate of Mary A. Mumgaard	\$10,250.00
Tanya Dunn	226.56	American Family Insurance Group (Claim #00-071-487214-3910)	4,193.28
		Auto-Owners Insurance (Claim #25-3330-09)	4,915.75
		Beverly Ann Best	1,850.00
		James Waltke d/b/a Trade Center Automotive, Inc.	125.00

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

Introduced by Adam Hornung

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY TO PROVIDE FOR THE STREET WIDENING FOR LEFT TURN LANES ON VAN DORN STREET AT SOUTH 91ST STREET AND ON PIONEERS BLVD. AT THORN COURT, INCLUDING THE ACQUISITION OF RIGHT-OF-WAY AND THE ESTABLISHMENT OF MAINTENANCE RESPONSIBILITIES - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85557 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and Lancaster County, to provide for the street widening for left turn lanes on Van Dorn Street at South 91st Street and on Pioneers Blvd. at Thorn Court, including the acquisition of right-of-way and the establishment of maintenance responsibilities, 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 transmit one fully executed original of said Agreement to Angela Zocholl for filing with Lancaster County.

Introduced by Adam Hornung

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

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

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER M BY CHANGING THE TITLE OF DEPUTY FIRE CHIEF TO BATTALION CHIEF, BY CHANGING THE TITLE OF DEPUTY FIRE CHIEF OF TRAINING TO DIVISION CHIEF OF TRAINING AND BY CHANGING THE TITLE OF AND REVISING THE CLASSIFICATION OF DEPUTY FIRE CHIEF OF MAINTENANCE TO DIVISION CHIEF OF MAINTENANCE - CLERK read an ordinance, introduced by Jayne Snyder, 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 current job classification titles of "Deputy Fire Chief" to "Battalion Chief"; "Deputy Fire Chief of Training" to "Division Chief of Training"; and "Deputy Fire Chief of Maintenance" to "Division Chief of Maintenance," the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER C BY CHANGING THE PAY RANGE FOR THE JOB CLASSIFICATION OF URBAN SEARCH AND RESCUE SPECIALIST - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 3 of Ordinance No. 18967 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 "C," by changing the pay range of the job classification "Urban Search and Rescue Specialist" from C17 to C23, the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS ASSIGNED TO THE PAY RANGES WHICH ARE PREFIXED BY THE LETTERS N AND C BY CHANGING THE TITLE AND PAY RANGE FOR THE JOB CLASSIFICATION OF RADIO SYSTEM LEAD TECHNICIAN (N20) TO RADIO SYSTEM SPECIALIST (C27) AND BY CHANGING THE TITLE AND PAY RANGE FOR THE JOB CLASSIFICATION OF RADIO SYSTEM LEAD TECHNICIAN (N21) TO RADIO SYSTEM LEAD SPECIALIST (C28) - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 1 of Ordinance No. 18972 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 "N," and amending Section 3 of Ordinance No. 18967 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 "C," by changing the current job classification title of "Radio System Technician" to "Radio System Specialist" and changing the related pay range from N20 to C27, and changing the current job classification title of "Radio System Lead Technician" to "Radio System Lead Specialist" and changing the related pay range from N21 to C28, the first time.

CHANGE OF ZONE HP 09020 - AMENDING ORDINANCE NO. 19305, PASSED BY THE CITY COUNCIL ON SEPTEMBER 14, 2009, TO ACCEPT A CORRECTED EXHIBIT "A", GUIDELINES FOR PRESERVATION FOR RICKETS MANSION, ATTACHED TO THE ORDINANCE - CLERK read an ordinance, introduced by Jayne Snyder, amending Ordinance No. 19305 passed by the City Council of the City of Lincoln, Nebraska on September 14, 2009, to adopt the correct Exhibit "A", Preservation Guidelines for Ricketts Mansion, 400 South 33<sup>rd</sup> Street, the first time.

**ORDINANCES - 3<sup>RD</sup> 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 48<sup>th</sup> and O Streets as surplus and authorizing the sale thereof to Sup Family II, LLC, 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 #19322, is recorded in Ordinance Book #26, Page

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. (10/5/09 - Action Delayed to 10/12/09) (10/12/09 - Action Delayed to 10/19/09) - PRIOR to reading:

COOK Moved to delay action of Bill No. 09-132 for one week to 11/02/09. Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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 compensation in excess of \$4,800.00 plus 6% of his or 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 third time.

**APPRECIATION**

In honor of John V. Hendry's last attendance at a Council Meeting, Council Chair Emery expressed appreciation for his service to the City of Lincoln as City Attorney.

Mr. Hendry graciously accepted Mr. Emery's kind words and said it has been a pleasure working with the Council and an honor serving the City.

Council Member Eugene Carroll was excused at 6:00 p.m.

**OPEN MICROPHONE SESSION**

Teri Pope-Gonzalas, 349 S. 1<sup>st</sup> St., came forward to comment on her neighborhood's wellness. She said the construction facility on 1<sup>st</sup> & M Street engages in cement crushing which henceforth creates a dust that she feels is harmful to vegetation, animals and humans. She clarified with Council that she will be meeting with Health Dept. Director Bruce Dart on Thursday, October 29<sup>th</sup>.

Council Member Cook sympathized with Ms. Pope-Gonzalas' efforts to continue to look for ways to deal with the problem but it may not be an issue the City can solve. He suggested she take action at another level.

This matter was taken under advisement.

John L. Austin, 826 S. 14<sup>th</sup> St., came forward to identify Arnold Folsom's contribution to Lincoln and question why his name was dropped from the title of the Lincoln Children's Zoo. He also suggested that of all the City's numerous laws, some could be reviewed and eliminated due to their archaic nature.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to November 2, 2009.  
Seconded by Hornung & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

**UPCOMING RESOLUTIONS**

CAMP Moved to approve the resolutions to have Public Hearing on November 2, 2009.  
Seconded by Hornung & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

**ADJOURNMENT 6:21 P.M.**

CAMP Moved to adjourn the City Council meeting of October 26, 2009.  
Seconded by Hornung & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant