

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JULY 27, 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**

COOK Having been appointed to read the minutes of the City Council proceedings of July 20, 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.

**PUBLIC HEARING**

Council Chair Emery identified Mr. Engin Altay and Mr. Metin Ergun, who were in attendance from the country of Turkey accompanying Bob Wagner, President of the Mayor's Committee on International Friendship.

Council Chair Emery recognized the presence of Boy Scout Troop 55 and Boy Scout Troop 63 working on their Citizenship in the Community and Communication merit badges.

AMENDING CHAPTER 22.05 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN CONSTRUCTION SIGN CODE BY AMENDING SECTION 22.05.010 TO REVISE THE TITLE OF THE CODE; BY AMENDING SECTION 22.05.020 TO DELETE DEFINITIONS AND TO PROVIDE THAT TERMS SHALL HAVE THE SAME MEANING AS DEFINED IN CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE; BY AMENDING SECTION 22.05.030 TO PROVIDE SPECIFIC REFERENCE FOR EXCEPTIONS; BY AMENDING SECTION 22.05.050 TO MODIFY THE LISTING OF SIGNS FOR WHICH A PERMIT IS NOT REQUIRED; BY AMENDING SECTION 22.05.060 TO INCLUDE NEW SIGN PERMIT FEES, TO INCREASE OTHER FEES, AND TO PROVIDE THAT NO REFUND SHALL BE ISSUED ON A PERMIT WHERE THE REQUIRED REFUND AMOUNT IS LESS THAN \$50.00; BY AMENDING SECTION 22.05.080 TO CLARIFY THAT SIGN CLEARANCE FROM OVERHEAD ELECTRICAL CONDUCTORS SHALL BE THAT REQUIRED BY THE CURRENT EDITION OF THE LINCOLN ELECTRICAL CODE OR AS RECOMMENDED BY THE SERVING UTILITY COMPANY AND BY DELETING TABLE 22.05.080; BY AMENDING SECTION 22.05.090 TO CLARIFY THAT A REFERENCE IS TO THE CURRENT EDITION OF THE LINCOLN ELECTRICAL CODE; BY AMENDING SECTION 22.05.100 TO PROVIDE CONSTRUCTION STANDARDS FOR FREESTANDING SIGNS AND TO DELETE REFERENCE TO POLE SIGNS; BY REPEALING SECTION 22.05.110 AND 22.05.120 RELATING TO GROUND SIGNS AND ROOF SIGNS, RESPECTIVELY; BY AMENDING SECTION 22.05.160 TO PROVIDE THAT ELECTRIC SIGNS AND ELECTRIC EQUIPMENT USED IN CONNECTION WITH ILLUMINATED SIGNS SHALL BE INSTALLED IN ACCORDANCE WITH THE CURRENT EDITION OF THE LINCOLN ELECTRICAL CODE; BY AMENDING SECTION 22.05.170 TO CLARIFY THAT SIGNS ON VEHICLES WHICH ARE USED FOR THE PRIMARY PURPOSE OF BEING A SIGN ARE NOT PERMITTED; BY AMENDING SECTION 22.05.190 TO PROHIBIT TEMPORARY GROUND SIGNS EXCEPT AS PROVIDED IN SECTION 22.05.170; AND REPEALING SECTIONS 22.05.010, 22.05.020, 22.05.030, 22.05.050, 22.05.060, 22.05.080, 22.05.090, 22.05.100, 22.05.150, 22.05.170, AND 22.05.190 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Chuck Zimmerman, Building & Safety, Building Services Manager, came forward to explain the code as being the administrative/operational and enforcement code as it relates to last week's zoning chapter of the sign code. He expressed appreciation for the work done by Christy Eichorn of the Planning Department for putting the amendment changes together in the zoning code. Following discussions and in cooperation with sign contractors/companies regarding acceptable increases, Mr. Zimmerman noted that rate fees, which had not been raised since 1993, were now

increased, some by 100%. In answer to Council questions, he clarified that the fees go into the Special Revenue Fund, not the General Fund. In reaction to the knowledge that many rate fees doubled, Council Member Cook suggested that they be adjusted annually for inflation rather than waiting 16 years. Mr. Zimmerman responded that Council's current & past comments have inspired Building & Safety to research and find a way to package increases together.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE MINORITY HEALTH INITIATIVE PROJECT FOR JULY 1, 2009 THROUGH JUNE 30, 2011;

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE TOBACCO SCHOOL/COMMUNITY/ OUTREACH PROJECT FOR JULY 1, 2009 THROUGH JUNE 30, 2011 - Judy Halstead, Lincoln/Lancaster County Health Department Resource & Program Development Coordinator, came forward to present the collaborative projects in partnership & subcontract with the Peoples Health Center for \$250,000 annually. She said smaller subcontracts are with other community agencies identified as: the Dental College, Clinic with a Heart, Lancaster County Medical Society, Asian Center, El Centro de las Americas, Malone Center, Ponca Tribe, Community Asthma Initiatives, Salvation Army, Lancaster County Sheriff's Department, Lincoln Police Department, Attack on Asthma Nebraska and the Council on Alcoholism & Drugs.

This matter was taken under advisement.

APPROVING THE MEMORANDUM OF AGREEMENT REGARDING FUNDING, CONSTRUCTION, AND ENDOWMENT OF A FOUNTAIN AT UNION PLAZA, AND ENDOWMENT OF A PUBLIC GARDENS INTERNSHIP PROGRAM BETWEEN THE CITY, LINCOLN PARKS FOUNDATION AND TRUSTEE FOR THE KEN GOOD ESTATE TO FUND DEVELOPMENT AND ENDOWMENT OF A FOUNTAIN IN UNION PLAZA LOCATED BETWEEN O AND P STREETS - Lynn Johnson, Director of Parks & Recreation, came forward to explain the funding agreement which designates \$150,000 for the "Ken Good" Fountain located in Union Plaza and \$162,000 to establish an endowment supporting a public gardens internship. He said the UNL Landscape Horticulture Program will identify a student for 1,000 hours annually in design involvement, installation and ongoing maintenance. He said the Lincoln Parks Foundation will serve as the fiscal agent for this agreement.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE PUBLIC ASSOCIATION OF GOVERNMENT EMPLOYEES (PAGE) EFFECTIVE AUGUST 20, 2009 - Council Member Jon Camp stated for the record that last week he had asked the Personnel Department and in particular, Mr. John Cripe, for a matrix of changes for discussion as the contracts evolved but Mr. Cripe refused to do so.

Mark Koller, Personnel Director, came forward to answer questions about the labor contract and explain the amount of time a Union representative is paid for negotiations as it increased from 200 hours to 250 hours. He said it is split between negotiation time and other Union business time which he has begun to track to justify the number. Mr. Koller supplied answers to Council questions about new contract language. In answer questions relating to pre-disciplinary meetings and the provision of names of witnesses regarding an incident, Mr. Koller explained that while he does not discourage anonymity, credibility might be suspect because the person wishes not to stand behind their issue. In response to an increase in accumulated sick leave, he said that it is a point of negotiation in an entire offer & comparability terms.

Don Taute, Asst. City Attorney, came forward to answer questions about anonymous complaints. He said from a legal perspective, if an attempt is made to terminate/suspend someone and the witness is not willing to come forward, you basically do not have a case.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION EFFECTIVE AUGUST 20, 2009 - Mike Morosin, 1500 N. 15<sup>th</sup> St., came forward to state that it was important for staff to attend to Council questions because it pertains to tax payer money and provides the public with the knowledge of what they are getting in the contracts.

Mark Koller, Personnel Director, came forward to answer questions about the labor contract stating the hourly change was increased from 110 to 140 hours. He confirmed that 90 employees are represented by this bargaining unit.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN M CLASS EMPLOYEES ASSOCIATION (M) EFFECTIVE AUGUST 20, 2009 - Mark Koller, Personnel Director, came forward to answer questions about the labor contract change regarding special increases which may reward employees for doing exceptional work. He explained a recommended special increase may be authorized for temporary periods of 2, 4, or 6 pay periods only; then it returns to the normal pay step the employee was on. Mr. Koller clarified that in general, M Class employees are tenured employees. He said about two-thirds of a total of 90 employees would be eligible to retire today. Mr. Koller said an amendment would be in order to clarify positions in question under the M Class.

Don Taute, Asst. City Attorney, came forward to answer questions stating that special step increases are issued in a specific interest based upon a project or special request in a written memo to the Personnel Director concurred by the Mayor. Mr. Taute clarified longevity as it related to the pay range.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN CITY EMPLOYEES ASSOCIATION (LCEA) EFFECTIVE AUGUST 20, 2009 - Mark Koller, Personnel Director, came forward to answer questions about the labor contract as it affected snow removal contractors and why some may earn overtime. He said some steps were added and others taken off the bottom to allow employees the opportunity to expand, grow and add merit so they weren't capped. Regarding tuition reimbursement, Mr. Koller said historically the cost has been insignificant.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

APPOINTING JAYNE SNYDER TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A THREE-YEAR TERM EXPIRING APRIL 15, 2012 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85445 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jayne Snyder to the Lincoln-Lancaster County Board of Health for a three-year term expiring April 15, 2012 is hereby approved.

Introduced by Jonathan Cook

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 JULY 13, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS ADOPTED BY THE CITY COUNCIL AND THE COUNTY COMMISSIONERS AT THE JOINT MEETING ON COMPREHENSIVE PLAN AMENDMENTS ON JULY 14, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR MARCH 2009: TOTAL HOLDINGS; APRIL 2009: TOTAL HOLDINGS; MAY 2009: TOTAL HOLDINGS; 2ND QUARTER 2009: AMERIVISION COMMUNICATIONS, CAUSE BASED COMMERCE, DIGIZIP.COM, OPEX COMMUNICATIONS; JUNE 2009: BUSINESS TELECOM, FIRST COMMUNICATIONS, GLOBALCOM, SBC LONG DISTANCE, TOTAL HOLDINGS, 360NETWORKS, WHOLESALE CARRIER SERVICES - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE MONTH OF JUNE 2009: INETWORKS GROUP, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

#### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, AUGUST 17, 2009, AT 3:00 P.M. FOR THE APPLICATION OF CHERRIES INC. DBA THE FAT TOAD FOR A CLASS C LIQUOR LICENSE LOCATED AT 1409 O STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85446 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 17, 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 Cherries, Inc. dba The Fat Toad for a Class C liquor license located at 1409 O Street.

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

Introduced by Adam Hornung

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)

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

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

#### PUBLIC HEARING RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE MINORITY HEALTH INITIATIVE PROJECT FOR JULY 1, 2009 THROUGH JUNE 30, 2011 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85447 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the Nebraska Department of Health and Human Services and the Lincoln-Lancaster County Health Department to accept a subgrant in the amount of \$1,005,308.31 for the Minority Health Initiative Project for July 1, 2009 through June 30, 2011, in accordance with the terms, conditions and assurances contained in said Agreement is hereby approved and the prior signature of the Health Director is hereby ratified and approved by the majority vote of the City Council.

The City Clerk is directed to return the executed copies of the Agreement to Bruce Dart, Director of the Lincoln Lancaster County Health Department.

Introduced by Jonathan Cook

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE TOBACCO SCHOOL/COMMUNITY/ OUTREACH PROJECT FOR JULY 1, 2009 THROUGH JUNE 30, 2011 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85448 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the Nebraska Department of Health and Human Services and the Lincoln-Lancaster County Health Department to accept a subgrant in the amount of \$712,203.00 for the Tobacco School/Community/Outreach Project for July 1, 2009 through June 30, 2011, in accordance with the terms, conditions and assurances contained in said Agreement is hereby approved and the prior signature of the Assistant Health Director is hereby ratified and approved by the majority vote of the City Council. The Mayor is hereby authorized to execute the Audit Requirement Certification on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreement to Bruce Dart, Director of the Lincoln Lancaster County Health Department.

Introduced by Jonathan Cook

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

APPROVING THE MEMORANDUM OF AGREEMENT REGARDING FUNDING, CONSTRUCTION, AND ENDOWMENT OF A FOUNTAIN AT UNION PLAZA, AND ENDOWMENT OF A PUBLIC GARDENS INTERNSHIP PROGRAM BETWEEN THE CITY, LINCOLN PARKS FOUNDATION AND TRUSTEE FOR THE KEN GOOD ESTATE TO FUND DEVELOPMENT AND ENDOWMENT OF A FOUNTAIN IN UNION PLAZA LOCATED BETWEEN O AND P STREETS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85449 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Memorandum of Agreement Regarding Funding, Construction, and Endowment of a Fountain at Union Plaza, and Endowment of a Public Gardens Internship Program between the City, Lincoln Parks Foundation, and the Trustee for the Ken Good Estate to accept a \$312,000 donation to construct and endow a fountain at Union Plaza, approving the name of Ken Good Fountain, and establishing a public gardens internship, upon the terms and conditions as set forth in said Memorandum of Agreement, is hereby approved and the Mayor is authorized to execute said Memorandum of Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the deep and sincere appreciation of the City of Lincoln to the donor of this gift is hereby expressed and made a part of the records of the City of Lincoln.

The City Clerk is hereby directed to transmit a copy of the executed original Memorandum of Agreement to Lynn Johnson, Director of the Parks and Recreation Department, for transmittal to the Lincoln Parks Foundation and the Trustee for the Ken Good Estate.

Introduced by Jonathan Cook

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

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE PUBLIC ASSOCIATION OF GOVERNMENT EMPLOYEES (PAGE) EFFECTIVE AUGUST 20, 2009. (7/20/09 - PH & Action con't. to 7/27/09) - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85450 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Public Association of Government Employees (PAGE), to be effective August 20, 2009, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Eugene Carroll

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

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION EFFECTIVE AUGUST 20, 2009. (7/20/09 - PH & Action con't. to 7/27/09) - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85451 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Amalgamated Transit Union, to be effective August 20, 2009, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Eugene Carroll

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

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN M CLASS EMPLOYEES ASSOCIATION (M) EFFECTIVE AUGUST 20, 2009. (7/20/09 - PH & Action con't. to 7/27/09) - PRIOR to reading:

SPATZ Moved MTA #1 to amend Bill No. 09R-122 by revising the third paragraph (Article 6, Vacation) of the Agreement between the City of Lincoln, Nebraska and Lincoln M Class Employees Association, on page 11, to read as follows:

Employees may carry over unused annual leave to a maximum of sixty hours, or eighty hours for employees with a fifty-six hour work week, ~~but any leave, over the maximum of sixty/eighty hours, unused by the last day of the first complete pay period in January of the following year shall be forfeited.~~ Any accumulated leave earned by an employee and unused as of January 12, 2005, shall be retained by the employee and may be used at any future time, and for any remaining upon termination of employment with the city, shall be compensated for such unused accumulated vacation leave.

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

SPATZ We talked in the meeting earlier about the role of the City Council in this whole bargaining process. I think if we are going to vote NO on a particular contract, I think we need to provide some direction to staff as to why we voted NO in hopes of perhaps getting that changed. The thing that concerns me is the Step Plan that we've gone to here and I just wanted to say that for the record so it's clear that that's why I am voting NO on this."

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

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

That the attached labor contract between the City of Lincoln and the Lincoln "M" Class Employees Association, to be effective August 20, 2009, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Eugene Carroll

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

The ordinance, having **LOST**, was assigned the File #38-4594 & was placed on file in the Office of the City Clerk.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN CITY EMPLOYEES ASSOCIATION (LCEA) EFFECTIVE AUGUST 20, 2009. (7/20/09 - PH & Action con't. to 7/27/09) - PRIOR to reading:

CAMP Stated that in summary of the labor contracts, he was concerned about amounts the City paid to Union individuals or representatives for negotiations and Union business. He read for the record the following increasing amounts: in the "M" Class which represented 90 people, 100 hours a year could be paid for an individual; the LCEA was 150 hours for 400 people; PAGE was increased in this contract from 200 to 250 hours to represent about 550 people, or a 25% increase; the ATU which is our bus/transportation group representing about 90 people, increased from 110 to 140 hours (30 hour increase there); and under the existing contract the Police Department has 144 hours and the Fire Union contract has 1,500 hours.

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

A-85452 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln City Employees Association (LCEA), to be effective August 20, 2009, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Eugene Carroll

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

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

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

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR ATTORNEY - CLERK read an ordinance, introduced by Adam Hornung, amending Section 1 of Ordinance No. 18971 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by creating the job classification of "Senior Attorney", the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY REVISING THE CLASSIFICATION OF ATTORNEY II - CLERK read an ordinance, introduced by Adam Hornung, amending Section 1 of Ordinance No. 18971 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by changing the pay range for the position of Attorney II from an M03 (\$61,228.96 - \$119,394.08) to an M02 (\$48,821.76 - \$99,569.60), the first time.

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

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING THE TITLE PAGE TO DELETE SECTION 2.76.160 COMPENSATION PLAN, VARIABLE MERIT PAY PLAN; AMENDING SECTION 2.76.040 DEFINITIONS, TO DEFINE EXCLUDED EMPLOYEE; AMENDING SECTION 2.76.130 POSITION AND PAY RANGE ALLOCATION, RELATING TO EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.135 MERIT PAY PLAN ESTABLISHED, TO INCLUDE EXCLUDED EMPLOYEES AND INCREASE THE MAXIMUM NUMBER OF MERIT PAY STEPS; AMENDING SECTION 2.76.145 MERIT PAY PLAN, ADMINISTRATION AND REQUIREMENTS FOR ADVANCEMENT, TO INCLUDE THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.150 MERIT PAY PLAN, PAY INCREASES FOR EXCEPTIONAL SERVICE, TO INCLUDE THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING 2.76.155 LONGEVITY PAY TO ADJUST THE ANNUAL LONGEVITY PAY PLAN RELATING TO CERTAIN "N" AND EXCLUDED EMPLOYEES; DELETING ALL OF SECTION 2.76.160 VARIABLE MERIT PAY PLAN; AMENDING SECTION 2.76.175 PROMOTION, TRANSFER, DEMOTION OR TEMPORARY PROMOTION RELATING TO THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.200 TEMPORARY ASSIGNMENT TO A HIGHER CLASSIFICATION RELATING TO THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.380 SICK LEAVE WITH PAY, AS IT RELATES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY M, A, C, E, N, OR X; AND AMENDING SECTION 2.76.395 VACATION LEAVE WITH PAY AS IT RELATES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY M; AND REPEALING 2.76 TITLE PAGE AND SECTIONS 2.76.040, 2.76.130, 2.76.135, 2.76.145, 2.76.150, 2.76.155, 2.76.160, 2.76.175, 2.76.200, 2.76.380, AND 2.76.395 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 2.76 of the Lincoln Municipal Code relating to the City's Personnel System by amending the Title Page to delete Section 2.76.160 Compensation Plan, Variable Merit Pay Plan; amending Section 2.76.040 Definitions, to define Excluded Employee; amending Section 2.76.130 Position and Pay Range Allocation, relating to Excluded Employees; amending Section 2.76.135 Merit Pay Plan Established, to include Excluded Employees and increase the maximum number of merit pay steps; amending Section 2.76.145 Merit Pay Plan, Administration and Requirements for Advancement, to include the newly defined Excluded Employees; amending Section 2.76.150 Merit Pay Plan, Pay Increases for Exceptional Service, to include the newly defined Excluded Employees; amending 2.76.155 Longevity Pay to adjust the annual longevity pay plan relating to certain "N" and Excluded Employees; deleting all of Section 2.76.160 Variable Merit Pay Plan; amending Section 2.76.175 Promotion, Transfer, Demotion or Temporary Promotion relating to the newly defined Excluded Employees; amending Section 2.76.200 Temporary Assignment to a Higher Classification relating to the newly defined Excluded Employees; amending Section 2.76.380 Sick Leave with Pay, as it relates to employees with a pay range prefixed by M, A, C, E, N, or X; and amending Section 2.76.395 Vacation Leave with Pay as it relates to employees with a pay range prefixed by M; and repealing 2.76 Title Page and Sections 2.76.040, 2.76.130, 2.76.135, 2.76.145, 2.76.150, 2.76.155, 2.76.160, 2.76.175, 2.76.200, 2.76.380, and 2.76.395 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 2.78 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING SECTION 2.78.010 COMPENSATION PLAN ESTABLISHED TO EXCLUDE EMPLOYEES WITH A PAY RANGE PREFIXED BY M; AMENDING SECTIONS 2.78.020 ANNUAL LEAVE, 2.78.025 VARIABLE MERIT PAY PLAN, AND 2.78.030 SICK LEAVE TO DELETE THE REFERENCES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER M; AND REPEALING 2.78 TITLE PAGE AND SECTIONS 2.78.010, 2.78.020, 2.78.025, AND 2.78.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 2.78 of the Lincoln

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

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "M" TO BE EFFECTIVE AUGUST 20, 2009 - CLERK read an ordinance, introduced by Eugene Carroll, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M" and repealing Ordinance No. 18971, passed by the City Council on August 6, 2007, the first time.

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

AMENDING SECTIONS 3.24.080 AND 3.24.090 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE TELECOMMUNICATIONS OCCUPATION TAX RATE FROM 5.5% TO 6% OF GROSS RECEIPTS COMMENCING JANUARY 1, 2010; AND REPEALING SECTIONS 3.24.080 AND 3.24.090 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:

COOK Moved to have the Public Hearing on Bill No. 09-106 continue concurrent with City Budget on August 10, 2009 at 2:30 p.m. with Action on August 24, 2009.

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 Sections 3.24.080 and 3.24.090 of the Lincoln Municipal Code to increase the telecommunications occupation tax rate from 5.5% to 6% of gross receipts commencing January 1, 2010; and repealing Sections 3.24.080 and 3.24.090 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A CHANGE OF THE FRANCHISE FEE ASSOCIATED WITH THE FRANCHISE TO PROVIDE GAS SERVICE FROM AN ANNUAL RATE OF \$0.39 TO \$0.43 PER FOOT OF GAS MAIN EFFECTIVE OCTOBER 1, 2009 - PRIOR to reading:

COOK Moved to have the Public Hearing on Bill No. 09-107 continue concurrent with City Budget on August 10, 2009 at 2:30 p.m. with Action on August 24, 2009.

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, approving a change of the franchise fee associated with the franchise to provide gas service from an annual rate of \$0.39 to \$0.43 per foot of gas main effective October 1, 2009, the first time.

#### ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)

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

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19281**, is recorded in Ordinance Book #26, Page

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

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19282**, is recorded in Ordinance Book #26, Page

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

PERMITTED USE IN A RESIDENTIAL DISTRICT MUST BE SPECIFICALLY APPROVED AS PART OF THE SPECIAL PERMIT APPROVAL; BY AMENDING SECTION 27.69.250 TO MODIFY PROVISIONS REGARDING THE DISPLAY OF FLAGS; BY AMENDING SECTION 27.69.310 TO MODIFY PROVISIONS REGARDING ROOF SIGNS AS AN ALTERNATIVE TO A FREESTANDING SIGN AND TO CHANGE A REFERENCE FROM POLE SIGN TO FREESTANDING SIGN; BY AMENDING SECTION 27.69.340 TO REVISE PROVISIONS FOR SIGNS IN PLANNED UNIT DEVELOPMENTS; AND REPEALING SECTIONS 27.69.020, 27.69.030, 27.69.040, 27.69.090, 27.69.100, 27.69.110, 27.69.140, 27.69.150, 27.69.160, 27.69.180, 27.69.220, 27.69.230, 27.69.240, 27.69.250, 27.69.260, 27.69.310, 27.69.330, AND 27.69.340 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 27.69 of the Lincoln Municipal Code relating to signs by amending Section 27.69.020 to revise and add definitions; by adding a new Section 27.69.021 to add a Figure 1, General Sign Types; by adding a new Section 27.69.022 to provide methods to calculate the sign area of various signs; by amending Section 27.69.030 to provide general requirements for signs including location, height, sign area, illumination, and additional provisions for certain specific types of signs; by amending Section 27.69.040 to adopt Sign Tables setting forth the sign requirements for various types of signs; by repealing Sections 27.69.041, 27.69.042, 27.69.043, 27.69.044, 27.69.045, 27.69.046, 27.69.047, 27.69.048, 27.69.049, 27.69.050, 27.69.060, 27.69.070, 27.69.075, 27.69.080, 27.69.081, 27.69.083, 27.69.130, 27.69.170, and 27.69.210; by amending Sections 27.69.090, 27.69.220, 27.69.240, 27.69.260, and 27.69.330 to change a reference from ground sign to freestanding sign; by amending Section 27.69.100 to provide regulations for non-illuminated temporary real estate, construction and noncommercial signs; by amending Sections 27.69.110, 27.69.140, 27.69.150, 27.69.180, 27.69.230, 27.69.240, and 27.69.260 to clarify that a reference to area is referring to "sign area" of a sign; by amending section 27.69.160 to delete a requirement that the location, size and illumination of a sign for a special permitted use in a residential district must be specifically approved as part of the special permit approval; by amending Section 27.69.250 to modify provisions regarding the display of flags; by amending Section 27.69.310 to modify provisions regarding roof signs as an alternative to a freestanding sign and to change a reference from pole sign to freestanding sign; by amending Section 27.69.340 to revise provisions for signs in Planned Unit Developments; and repealing Sections 27.69.020, 27.69.030, 27.69.040, 27.69.090, 27.69.100, 27.69.110, 27.69.140, 27.69.150, 27.69.160, 27.69.180, 27.69.220, 27.69.230, 27.69.240, 27.69.250, 27.69.260, 27.69.310, 27.69.330, and 27.69.340 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19283**, is recorded in Ordinance Book #26, Page

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$16,000,000 WATER REVENUE BONDS OF THE CITY - PRIOR to reading:

CAMP Moved to amend Bill No. 09-93 by substituting the attached page 11 for the existing page 11.

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

CLERK Read an amended ordinance, introduced by Eugene Carroll, authorizing a Third Series Ordinance adopted under and pursuant to Ordinance No. 18088 of the City of Lincoln, Nebraska, authorizing the issuance of Water Revenue Bonds, Series 2009, of the City in a principal amount not to exceed sixteen million dollars (\$16,000,000); fixing in part and providing for the fixing in part of the details of the Bonds; providing for the sale of the Bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and related matters, the 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 #19284, is recorded in Ordinance Book #26, Page

**OPEN MICROPHONE SESSION**

Christopher Lawhead, 836 West Belmont, came forward to address his concerns of what he believed to be an abuse of power by the police department. He said on Sunday, July 26, at 1:05 a.m. the sidewalks in downtown Lincoln were full of people enjoying themselves with police officers stationed amid. While standing in the area of 14<sup>th</sup> & Centennial Streets, he chose to exercise his right to free speech by proclaiming a personal observation; thus, he was promptly arrested and handcuffed by a police officer for disturbing the peace and/or inciting a riot. He said his ticket actually reads "interfere or hinder arrest" and stated he would fight the charge all the way to the Supreme Court.

This matter was taken under advisement.

Steven Lawhead, 3408 Mohawk St., came forward to address the practices and monetary policies of the Federal Reserve System. He stated that despite the use of the word "federal" in its title it is not part of the United States government but rather a collection of private corporations owned by its member banks, further owned by private stockholders. He feels the concept of a central bank is the antithesis to true, free-market capitalism. He encouraged the public to research the possibility of auditing & abolishing the Federal Reserve before personal property is deprived.

This matter was taken under advisement.

Lucas Peterson, address not given, came forward to comment on his disappointment with rule changes within the Nebraska state government as it relates to the medical field. He expressed concern that Governor Heineman may allow the denial of mental health services to certain groups of people who are in critical need.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to August 3, 2009.  
Seconded by Cook & carried by the following vote: AYES: Camp,  
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

**UPCOMING RESOLUTIONS**

COOK Moved to approve the resolutions to have Public Hearing on August 3, 2009.  
Seconded by Cook & carried by the following vote: AYES: Camp,  
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

REGULAR MEETING  
JULY 27, 2009  
Page 14

ADJOURNMENT 7:18 P.M.

CAMP Moved to adjourn the City Council meeting of July 27, 2009.  
Seconded by Cook & carried by the following vote: AYES: Camp,  
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant