

COUNCIL CHAMBER, 7:30 P. M.

Monday, December 9, 1957.

Council met in regular session. Present on roll call 7: Battin, Bratrud, Goering, Humiston, Jensen, Perdue, Stojack. Absent 2; Tollefson, and Mayor Anderson. Mr. Tollefson took his seat at 7:35 P. M. In the absence of Mayor Anderson, Dr. Battin presided.

Dr. Battin called attention to an error in the minutes on the discussion by Mr. Overland, attorney representing property owners from Gig Harbor, protesting the proposed air port, which stated there was approximately 1000 signatures on the petition. Dr. Battin said Mr. Overland said there was from 300 to 1000 signatures. He also called attention to a motion to adjourn which was in the minutes, and, as he recollects was not made. It was moved by Mr. Bratrud that the minutes be approved with the corrections made. Motion seconded by Mr. Stojack and carried on roll call: Ayes 7; Nays 1, Humiston, Absent 1. Anderson.

RESOLUTIONS:Resolution No. 15163:By TOLLEFSON:

Authorizing the proper officers of the City to purchase a Dictaphone Master and Transcriber for approximately \$750.62 for the Health Department, also a new plate burning unit for \$100.00 for the Finance Department; appropriating said funds from the Cumulative Reserve Fund for Capital Outlay and Maintenance and Operation.

Adopted on roll call December 9, 1957.  
Ayes 8; Nays 0; Absent 1; Anderson.

FIRST READING OF ORDINANCES:Ordinance No. 15989:

Amending the Official Code and City Charter relative to reclassification of property located at the N. E. corner of Center and Cedar Streets - from an "R-2" One Family Dwelling and "M-1" Light Industrial District to an "M-2" Heavy Industrial District. Read by title and placed in order of final reading.

Ordinance No. 15990:

Amending the Charter and Official Code by adding a new Section to be known as Section 11.28.240 - One hour parking and fifteen minute parking zones designated. Read by title and placed in order of final reading.

Mr. Rowlands explained this particular ordinance was drawn up to accommodate the State Liquor Store at 746 Broadway. He said they claim 70% of their business is after 6:00 P. M. and this would provide a fifteen-minute parking zone on Broadway from So. 7th to So. 9th Street from 8:00 A. M. to 11:30 P. M.

Ordinance No. 15991:

Amending the Charter and Official Code by lowering the age limit for minors playing pool, etc., to 18 years. Read by title and placed in order of final reading.

Mr. Rowlands said they had received several telephone call asking why minors could not play pool when accompanied by their parents. This would not happen too often he said, but the Police Department thought there should be some control over these es-

establishments where intoxicating liquor is sold. They thought by bringing the age down to 18 years they should be able to go in and enjoy a sociable game of pool.

Mrs. Goering asked if this would apply to establishments where they are licensed to sell liquor or does this apply only to pool tables anywhere. She said she did not know if they are going to differentiate between a pool game and a bowling game to forbid one and not the other. Dr. Battin said under the present Ordinance the age is 21 years and this is just lowering the age to 18 years. Mrs. Goering said she was aware of that but she thinks there is a mistake in the old ordinance also. She said she feels there should be some way to differentiate between the type of establishment. If they are allowed to go in and go into that establishment to bowl and are not allowed to play pool it is just illogical, she said.

Dr. Battin said they would have some data from the Police Department to give the Council more information on this ordinance before passage next week.

Ordinance No. 15992:

Amending the Charter and Official Code of the City regarding Fumigators, Sprayers and Exterminators. Read by title and placed in order of final reading.

Mr. Rowlands explained that the portion of the Ordinance pertaining to the Insurance required was amended from \$100,000 to \$300,000 to \$10,000 to \$50,000 for the reason it was almost impossible for the licensee to get insurance. Upon investigation the License Inspector and the Finance Department recommended this change, he said.

Ordinance No. 15993:

Vacating the westerly 10 feet of North White (Fife) Street from North 29th to North 30 Street. (Petition of O. H. Brazier.) Read by title and placed in order of final reading.

Ordinance No. 15994:

Vacating the westerly 10 feet of South Shirley Street from Sixth Avenue to North 8th Street. (Petition of Faith Bible Presbyterian Church.) Read by title and placed in order of final reading.

Ordinance No. 15995:

Amending certain sections of the City Charter and Official Code of the City of Omaha, relating to Pay and Compensation Plan for the year 1958, and repealing Section 12.260. Read by title and placed in order of second reading.

Mr. Rowlands said the brief summary submitted to the Council members are the changes made in the Compensation Ordinance.

Dr. Humiston asked what areas are still controversial. Mr. Rowlands explained the only area which might be controversial is in the section concerning over time pay. Several Union Representatives have asked for triple time on holidays. Certain City employees are receiving straight time pay on the 4th of July when other City employees are receiving holiday pay.

Mr. Tollefson asked if they have indicated what is a reasonable amount of over time pay for holidays they work.

Mr. Bixel said they have asked for the same rate of holiday pay as they have for other overtime. For instance, in the General Government they get time and one-half; the Utility employees and Electrical workers get double time, he said. The Utility practice in the Northwest seems to be triple time, although it is not practiced in other industries, he added. Mr. Bixel said according to the surveys he has seen 8 of the 10 largest Utilities pay double time in addition to straight holiday pay. With reference to holiday pay, Mr. Ketler said some Departments are required to work a full week, when a holiday occurs, as they are required to work on Saturday at time and one-half, whereas, when they work on a holiday they receive double time. In other words, they get straight time for their regular holiday pay.

Mr. Tollefson asked Mr. Ketler if he thought the particular employees that he represented feel that in a week where there is no holidays that it is all right to get time and one half, but in a week where there is a holiday they should get more than time and one-half. Mr. Ketler said "No," but in a week where there is a holiday and they are requested to work on a holiday they receive the same pay as if they had worked on Saturday and the holiday. Mr. Ketler said he felt there was probably a misunderstanding in the relationships in the two classifications, ie: Gardener and Leadman Sewerman and these two categories should have received a 5¢ an hour increase. He felt there is an injustice in these two classifications and they should receive the same pay, he added. Mr. Ketler asked the Council to review these two classifications to see if any adjustments can be made.

Mr. Rowlands advised he had an ordinance pertaining to Garbage Rates which does not appear on the Agenda, and in order for this ordinance to become effective by January 1, 1958 it must be introduced for first reading tonight. It was then moved by Dr. Humiston to suspend the rules to consider this ordinance. Motion seconded by Mr. Tollefson and carried on roll call.

Ordinance No. 15996:

Amending the Charter and Official Code relating to garbage, rubbish and pollution. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15984:

Amending Section 6.64.050 of the Official Code - increasing Occupation Tax on telephone business to eight percent and adding Business and Occupation Tax amounting to two percent on business of transmitting, distributing and selling natural gas. Read by title and passed.

Roll Call: Ayes 8; Nays 0; Absent 1; Anderson.

Ordinance No. 15985:

Appropriating \$25,000 from the General Fund to be transferred to the Police Relief and Pension Fund; for the purpose of paying claims for back pension to retired police personnel and increased pensions to police personnel; declaring an emergency and that this ordinance shall take effect immediately upon publication. Read by title.

Dr. Battin commented briefly on a meeting that was held Saturday in Seattle before the Subcommittee on County, Towns, Cities and Municipalities of the Legislative Council. There were two main subjects brought up before the Committee, he said. One was on "Home Rule," in which we ask that House Joint Resolution #23 be re-introduced in the coming Legislature granting a larger amount of "Home Rule" to Cities, Towns and Municipalities. This question was involved because there was a large delegation of Fire Fighters and Police appearing before the Subcommittee in opposition to the request for more "Home Rule."

It was a very good meeting, Dr. Battin said. The discussion was cooperative and there seemed to be a spirit on both sides to try to reach some understanding, and he believed progress was made between the Firefighters and Police and the Proponents of the increase "Home Rule." The point of difference, Dr. Battin added, was that the Firefighters and Police did not want the interested Municipalities to have "Home Rule" to the extent that they would decide the question of working conditions, pensions, salaries, etc. with reference to the Firefighters and Police. They wanted to keep it open as it has been in the past, whereby they would appear before the State Legislature, and the Legislature would tell them what the Cities had to pay without providing the Cities with any means of paying.

Mrs. Goering said that she was interested in their argument for keeping the request for pension in the Legislature. The question was put to them rather tentatively, she said, as they were asked if they felt they could get more out of the Legislature than they could out of the "Home Rule" and the answer was "No." She said they thought in some cases probably they could persuade the local officials to give them more pension than the Legislature, but only through the Legislature could they get a uniform pension throughout the State.

Call was then taken on the ordinance, resulting as follows:

Call: Ayes 8; Nays 0; Absent 1; Anderson.

Finance No. 15986: X L I D 1974:

Providing for the construction of sewers in the alley between No. 10th and 11th Streets from Huson to Orchard Street; creating L I D 1974. Read by title and passed.

Call: Ayes 7; Nays 0; Absent 1; Anderson.

Finance No. 15987: X L I D 2270:

Providing for the grading and oil mat surface and cement sidewalks on East Street from A Street to East B Street; creating L I D 2270. Read by title and passed. 454  
49,487

Call: Ayes 7; Nays 0; Absent 1; Anderson.

Finance No. 15988: X L I D 4591: 441  
49,487

Providing for grading, paving, curbs and gutters and storm water catch basins on Tyler Street from So. 15th to So. 19th Street; Wilkeson Street from So. 19th to So. 23rd Street; Ridgewood Ave. from So. 12th to So. 14th Street; creating L I D 4591. Read by title.

Mr. Perdue advised that <sup>at</sup> the the L I D meeting when the hearing was held on this District, the Committee recommended that the price paid for an easement across property owned by Faith Temple Church be reviewed to correct a misunderstanding that was given when Faith Temple Church gave the City an easement across their property at no charge. Inasmuch as the easement has not been filed, Mr. Tollefson <sup>moved</sup> that the ordinance be postponed for two weeks to December 23, 1957. Motion seconded by Mr. Stojack and carried on roll call: Ayes 8; Nays 0; Absent 1; Anderson.

#### UNFINISHED BUSINESS:

The Director of Public Works presents the assessment rolls for the cost of the improvements in the following Local Improvement Districts:

L I D 1939 - for construction of sanitary sewers in So. 46th, 47th, 48 and 49th Streets from Alaska to Hosmer Street;

L I D 2275 - for grading and oilmat on So. Thompson Avenue from So. 59th Street to So. 1st Street.

It was moved by Dr. Humiston, seconded by Mr. Stojack, that January 7, 1958 be fixed as the date for hearing on the above assessment rolls. Motion carried unanimously. Ayes 8; Nays 0; Absent 1; Anderson.

City Planning Commission, reporting on the petition of John Babnick, et al (12-16-57) for rezoning from an R-2 District to an R-4-L District property located on the south side of So. 56th Street and from South I Street to South J Street, and recommending it be denied. 376

Mr. Buehler, Director of Planning, advised that the time for filing an appeal to the Commission's denial was December 3rd, and none was filed prior to that date. He reported that this reclassification would not conform to the Comprehensive Zoning Plan for the City since there is no similar zoning in this area nor property suitable for such zoning; that this area is practically all built up and developed with one-family homes; that the Planning Commission has found no evidence of a mistake in the original zoning, nor change of condition in the neighborhood which would warrant the zoning change. It was then moved by Dr. Humiston, seconded by Mr. Tollefson, to concur in the recommendation of the Planning Commission. Carried on roll call: Ayes 8, Nays 0, Absent 1; Anderson.

Mr. Russell Buehler, Director of Planning, advised that the regular date for hearing on the petition of Hillsdale Lbr. Co., et al, for the vacation of that portion of East 60th Street located between the East line of East "F" Street and Westerly line of McKinley Ave., a distance of approximately 592 feet, has been set for December 30th, but at the request of the L I D Committee some additional information must be obtained from the Council pertaining to the proposed L I D ~~4622~~ in this area, Mr. Perdue said he wanted to alert the Council on the problem involved. At the time of the L I D hearing the Committee had no knowledge of the Planning Commission's recommendation of this vacation as this will have a definite bearing on the L I D. The property which involves the Hillsdale Lbr. Co, originally was not included in the petition. When the petition was presented to the Public Works Department they added this portion of the street, he said.

Dr. Battin said the main reason for bringing this up tonight was if the Council will be willing to delete this portion of the street from the L I D inasmuch as the street vacation would be a hindrance to the Hillsdale Lbr. Co's business.

Mr. Perdue said the L I D Committee was hesitant in making a recommendation to put the street through where a business was involved of a considerable size which might cause the business to move. He said they would like the feeling of the Council as a whole before making any recommendation.

Dr. Humiston moved that East 60th Street from East F Street to McKinley Ave. be deleted from the L. I. D. including the L-shaped piece on East D and East 61st Streets Motion seconded by Mr. Bratrud.

Dr. Battin said that the facts were brought out at the hearing that the Hillsdale Lbr. Co. was an important industry even though the business does not conform with the zoning. This development would be a considerable handicap to the business and if would virtually cut the business in half, he added. Clifford Duval, owner of the Hillsdale Lbr. Co. said that this improvement would be a serious handicap to his business at this time. In doing this it would increase traffic all the way through. He said he felt as time goes on if the Council desires to improve this street, they should meet with them and discuss the matter so that they might have an opportunity to relocate their business. He claims if this improved now, and with the heavy flow of traffic it would create, he does not know how they can continue to operate. He said they have incoming and outgoing trucks, mostly coming in from McKinley Avenue to their place and explained they do not have sufficient space to operate only on the conforming side of the street, therefore their trucks have to move back and forth across McKinley Avenue.

Dr. Battin then asked for roll call on the motion to delete East 60th Street from East F Street to McKinley Avenue. Some members of the Council indicated they would like to inspect the property in question before voting on the motion. Roll was then taken, resulting as follows: Ayes 2; Battin, Humiston; Nays 6; Bratrud, Goering, Jensen, Perdue, Stojack, Tollefson; Absent 1; Anderson. Motion declared lost on roll call.

Mr. Bratrud then moved that this be reconsidered again next week- December 16, 1957. Motion seconded by Dr. Humiston and carried on roll call: Ayes 6; Nays 2; Tollefson, Stojack. Absent 1; Anderson.

This being the date to which Council continued the hearing on the appeal of Zellerbach Paper Company (6-24-57) in reference to a deficiency in their business tax, the matter was brought up for consideration at this time. The Clerk reported that a letter had been received from Richard K. Quinn, Attorney for Zellerbach Paper Co., advising that, pursuant to an agreement with the City Attorney's Office, they are dismissing this case and they will remit to the City the tax deficiency involved.

MS RECEIVED FOR FILING IN THE OFFICE OF THE CITY CLERK:

Belt Line Division - Department of Public Utilities-Report for October, 1957. X

Record of cases in Tacoma Municipal Court during the month of November, 1957. X

MENTS BY THE CITY MANAGER:

Mr. Rowlands advised that Mr. Ramsay from the firm of Ramsay & Wainwright <sup>710</sup> X  
Financial Consultants of New York City is present this evening. He explained this firm  
that Mr. Ramsay represents had been retained by the Public Utilities Department two years  
as their financial consultants. Inasmuch as the Council will be confronted with a  
program in the near future, Mr. Rowlands said he has asked Mr. Ramsay to be present  
this evening in the event Council might want to ask him any questions.

Mr. Ramsay explained that bond issues can be handled in three ways:

In larger cities they can be handled by their own staff as they are familiar with  
all details of the program;

Through Local Investment Bankers or National Investment Bankers to make recommenda-  
tion on how to set up the program;

Independent Financial Consultants.

Mr. Ramsay said their firm does not sell or buy bonds and that they are strictly a serv-  
ice organization. He said when Tacoma is ready for financing their program they would  
like to present a proposal to act as financial consultants.

Dr. Battin called on Mr. Tollefson and Dr. Humiston to give a report on <sup>713</sup>  
their attendance at the American Municipal Association's National Conference held in X  
San Francisco on December 2nd thru December 4th.

Dr. Battin commended the Citizens' Committees on the remarkable success of <sup>477</sup>  
their program, for their faithful attendance and the great enthusiasm shown in the com-  
mittees. Dr. Battin urged the Council to attend as many meetings as possible.

Dr. Tudor was present to complain about the Oakes Street Bridge that has <sup>479</sup>  
been closed for some time. He said this bridge had been closed without any notification  
to the property owners. His home is located in this area and it would be a very serious  
situation in the event of a fire due to the narrow street, he added. Mr. Rowlands said  
this matter had been up before the Council relative to rebuilding or replacing the bridge  
several months ago, but until such time as a report is received from the Public Works  
Department as to what final determination will be made, they will try to give Dr. Tudor  
some relief.

Meeting adjourned at 10:40 P. M.

*Dr. Battin*

Vice President of City Council.

Attest:

*Josephine Melton*  
City Clerk.