

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 1, 2005 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Svoboda; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Newman; Deputy City Clerk, Teresa J. Meier.

Council Chair Svoboda 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 August 1, 2005, reported having done so, found same correct.

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

PUBLIC HEARING

AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT WITH UNION BANK & TRUST COMPANY, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$2,000,000 FOR THE ACQUISITION BY THE CITY OF STREET LIGHTING EQUIPMENT - Don Herz, Finance Director, and Lauren Wismer, Gillmore & Bell, both came forward to request approval and to help answer any questions of the City Council. Further discussion followed.

This matter was taken under advisement.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF ELECTRIC SYSTEM REVENUE NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$150,000,000 FROM TIME TO TIME OUTSTANDING (REQUEST 2ND & 3RD READINGS 8/1/05) - Lauren Wismer, Gillmore & Bell, came forward to request approval and to help answer questions of the City Council. Further discussion followed.

Terry Bundy, LES CEO, came forward to request approval and to help answer questions of the City Council. He also thanked the City Council for approving their previous rate increase and he showed an overhead of the historical interest rates of LES. Further discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS TO SHARE SPACE FOR JOINT PROGRAMMING (FOR THE OPERATION OF A TEEN CENTER) AT PARK MIDDLE SCHOOL - Cindy Meyers, Parks & Recreation Department, came forward to request approval. Further discussion followed.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER N TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS;
AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER X TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS;
AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER E TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS;
AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER M TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS;
AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER F TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS;
AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER B TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS;
AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER P TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS;
AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTERS A AND C TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS
- Don Taute, Personnel Director, came forward to request approval and to

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help answer questions of the City Council. Further discussion followed.

Mike Morosin, 2055 "S" Street, came forward to express his concerns regarding the pension fund.

Glen Cekal, 1420 "C" Street, came forward to express his concerns regarding the pension fund.

Don Taute, Personnel Director, came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

AMENDING LINCOLN MUNICIPAL CODE § 2.76.040 UPDATING DEFINITIONS; § 2.76.135 TO ESTABLISH STEP PAY PLANS FOR A AND C CLASSIFICATIONS; §§ 2.76.145 & 2.76.150 TO PROVIDE CONSISTENCY WITH OTHER STEP PLANS; § 2.76.153 TO INCREASE SHIFT DIFFERENTIAL; § 2.76.155 TO INCREASE LONGEVITY PAY; § 2.76.160 TO DELETE REFERENCE TO CLASSIFICATIONS BEGINNING WITH THE LETTERS A AND C; § 2.76.200 TO AMEND OUT OF CLASS PAY TO COORDINATE WITH THE STEP PLAN; § 2.76.380 TO AMEND PROVISIONS RELATED TO SICK LEAVE PAYOUT; AND § 2.76.395 TO AMEND PROVISIONS RELATING TO VACATION LEAVE - Don Taute, Personnel Director, came forward to request approval. Further discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE DESIGN AND CONSTRUCTION OF THE SAFETY IMPROVEMENT PROJECT AT THE INTERSECTIONS OF 9TH AND 10TH STREETS AT VAN DORN STREET (6/20/05 - P.H. CON'T. TO 6/27/05) (6/27/05 - PLACED ON PENDING TO 8/1/05 W/P.H.) - Karl Fredrickson, Public Works & Utilities Director, came forward to help answer questions of the City Council. Further discussion followed.

Glen Cekal, 1420 "C" Street, came forward to express his concerns.

This matter was taken under advisement.

HEARING ON BRETT JOSEPH'S NOTICE OF APPEAL APPEALING FROM THE IMPACT FEE DETERMINATION OF IMPACT FEES IMPOSED FOR THE SINGLE-FAMILY DWELLING LOCATED AT 1445 N. 22ND STREET AND REQUESTING A WAIVER OR REDUCTION OF SAID FEES (7/25/05 - P.H. CON'T. 1 WK TO 8/1/05) - Michaela Hansen, Public Works & Utilities, came forward in opposition and to help answer questions of the City Council. Further discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 1 - 15, 2005 -

David Stinnett, 3036 Dudley Street, came forward asking for approval of his claim. Further discussion followed.

Roger Krull, PW&U Wastewater, came forward to help answer questions of the City Council. Further discussion followed.

Dana Roper, City Attorney, came forward to help answer questions of the City Council. Further discussion followed.

David Stinnett, came forward for rebuttal. Further discussion followed.

Erich Warner, 1616 Adams Street, Manager of Highlands Swimming Pool, came forward asking for approval of his claim.

Dana Roper, City Attorney, came forward to help answer questions of the City Council. Further discussion followed.

Jerry Shorney, Parks & Recreation Department, came forward to help answer questions of the City Council. Further discussion followed.

Erich Warner, came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR THE RECONSTRUCTION OF ROKEBY ROAD FROM A POINT 500' EAST OF SOUTH 98TH STREET TO A POINT 1100 FEET EAST OF SOUTH 98TH STREET - Nicole Fleck-Tooze, Public Works & Utilities, came forward to request approval and to help answer questions of the City Council. Further discussion followed.

This matter was taken under advisement.

APPROVING THE REMOVAL OF THE EXISTING BARRICADE IN CUMBERLAND DRIVE AT THE COMMON LINE OF COLONIAL ACRES 2ND ADDITION AND JERROLD HEIGHTS 2ND ADDITION - Vicki Biloff, 5400 Concord Road, came forward in opposition. She also read a letter in opposition from her neighbor, Dr. Russell Sims.

Judy Burnham, 5500 Cumberland, came forward in opposition.

Sheri Smith, 5500 Pine Lake Road, came forward in opposition.

Further discussion followed.

Geanine Bordogna, 5301 Concord Road, came forward in opposition.
Karl Fredrickson, Public Works & Utilities Director, came forward to help answer questions of the City Council. Further discussion followed.

Ray Hill, Planning Department Director, came forward to help answer questions of the City Council. Further discussion followed.

Captain Karen Koluch, Lincoln Police Department, came forward in support. Further discussion followed.

This matter was taken under advisement.

TOOK BREAK 4:25 P.M.

RECONVENED 4:35 P.M.

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

MISCELLANEOUS BUSINESS - NONE

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING

AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT WITH UNION BANK & TRUST COMPANY, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$2,000,000 FOR THE ACQUISITION BY THE CITY OF STREET LIGHTING EQUIPMENT - CLERK read an ordinance, introduced by Jonathan Cook, authorizing and approving a lease-purchase agreement among the City, Union Bank & Trust Company, as Lessor, and Union Bank & Trust Company, as Registrar and Paying Agent, with respect to the purchase and installation of street light poles and related equipment; approving the issuance, sale and delivery by the Lessor of not to exceed \$2,000,000 aggregate principal amount of certificates of participation in said lease; fixing in part and providing for the fixing in part of certain provision of the lease; and related matters, the second time.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF ELECTRIC SYSTEM REVENUE NOTES IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$150,000,000 FROM TIME TO TIME OUTSTANDING - PRIOR to reading:

MCROY Made a motion to have 3rd Reading and Action on this day of 8/1/05.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Jonathan Cook, authorizing and providing for the issuance of Electric System Revenue notes of the City of Lincoln, Nebraska, in an aggregate principal amount of not to exceed \$150,000,000 from time to time outstanding; prescribing the form and details of such notes; covenanting as to the establishment, maintenance, revision and collection of charges and rates for the use and services of said electric system and the application, collection and disbursement of the revenues derived therefrom; limiting the payment of the principal and interest on such notes issued hereunder solely to the sources specified herein; setting forth the conditions for the issuance of such notes hereunder; setting forth events of default and the rights and remedies of the holders of the notes issued hereunder; making various other covenants, agreements, and provisions in connection with the foregoing; and providing for severability, the second time.

COOK Moved to pass the ordinance as read.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18584**, is recorded in Ordinance Book #25, Page

APPROVING A FIVE-YEAR/3,500 HOUR LEASE/PURCHASE AGREEMENT BETWEEN THE CITY AND DEERE CREDIT INC. TO PROVIDE A 90-HORSE POWER CLASS BACKHOE LOADER FOR USE BY THE PUBLIC WORKS & UTILITIES WATER DIVISION IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a five-year/3,500 hour lease agreement between the City of Lincoln, Nebraska and Deere Credit, Inc. for a 90

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horse power class backhoe loader for use by the Public Works & Utilities Water Division, the second time.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS TO SHARE SPACE FOR JOINT PROGRAMMING (FOR THE OPERATION OF A TEEN CENTER) AT PARK MIDDLE SCHOOL - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving an Interlocal Agreement between the City of Lincoln and Lincoln Public Schools to share space and joint programming in the operation of a Teen Center at Park Middle School for a 25-year term in effect until September 1, 2030, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER N TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, 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 "N"; and repealing Ordinance No. 18414, passed by the City Council on August 9, 2004, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER X TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, 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. 18422, passed by the City Council on August 9, 2004, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER E TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, 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. 18419, passed by the City Council on August 9, 2004, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER M TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, 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. 18479, passed by the City Council on December 13, 2004, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER F TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, 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 "F" and repealing Ordinance No. 18222, passed by the City Council on August 11, 2003, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER B TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, 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 "B"; and repealing Ordinance No. 18413, passed by the City Council on August 9, 2004, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER P TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, 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 "P"; and repealing second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTERS A AND C TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, 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 letters "A" and "C"; and repealing Ordinance No. 18412, passed by the City Council on August 9, 2004, the second time.

AMENDING LINCOLN MUNICIPAL CODE § 2.76.040 UPDATING DEFINITIONS;

§ 2.76.135 TO ESTABLISH STEP PAY PLANS FOR A AND C CLASSIFICATIONS; §§ 2.76.145 & 2.76.150 TO PROVIDE CONSISTENCY WITH OTHER STEP PLANS; § 2.76.153 TO INCREASE SHIFT DIFFERENTIAL; § 2.76.155 TO INCREASE LONGEVITY PAY; § 2.76.160 TO DELETE REFERENCE TO CLASSIFICATIONS BEGINNING WITH THE LETTERS A AND C; § 2.76.200 TO AMEND OUT OF CLASS PAY TO COORDINATE WITH THE STEP PLAN; § 2.76.380 TO AMEND PROVISIONS RELATED TO SICK LEAVE PAYOUT; AND § 2.76.395 TO AMEND PROVISIONS RELATING TO VACATION LEAVE - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.76 of the Lincoln Municipal Code relating to the Personnel System by amending Section 2.76.040 to provide that fire trainees shall be eligible to participate in the group health and dental plans; amending 2.76.135 to establish step pay plans for pay ranges prefixed by "A" and "C"; amending Sections 2.76.145 and 2.76.150 to provide consistency with other step plans; amending Section 2.76.153 to increase shift differential; amending Section 2.76.155 to increase longevity pay; amending Section 2.76.160 to delete references to pay ranges prefixed by the letters "A" and "C"; amending 2.76.200 to amend out-of-class pay to coordinate with the step plan; amending Section 2.76.380 to amend provisions related to sick leave payout; amending Section 2.76.395 to revise provisions relating to vacation leave; and repealing Sections 2.76.040, 2.76.135, 2.76.145, 2.76.150, 2.76.153, 2.76.155, 2.76.160, 2.76.200, 2.76.380 and 2.76.395 of the Lincoln Municipal Code as hitherto existing, the second time.

RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE DESIGN AND CONSTRUCTION OF THE SAFETY IMPROVEMENT PROJECT AT THE INTERSECTIONS OF 9TH AND 10TH STREETS AT VAN DORN STREET (6/20/05 - P.H. CON'T. TO 6/27/05) (6/27/05 - PLACED ON PENDING TO 8/1/05 W/P.H.) - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83443 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPP-5236(1), CN-12797, for Federal and State funding for the design and construction of the Safety Improvement Project at the intersections of 9th and 10th Streets at Van Dorn Street, in accordance with the terms and conditions contained in said Agreement, 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 return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Robin Eschliman

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

HEARING ON BRETT JOSEPH'S NOTICE OF APPEAL APPEALING FROM THE IMPACT FEE DETERMINATION OF IMPACT FEES IMPOSED FOR THE SINGLE-FAMILY DWELLING LOCATED AT 1445 N. 22ND STREET AND REQUESTING A WAIVER OR REDUCTION OF SAID FEES (7/25/05 - P.H. CON'T. 1 WK TO 8/1/05) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for **denial**:

A-83444 WHEREAS, Brett Joseph, hereinafter Appellant, has filed Building Permit Application B0500416 and Impact Fee Application IF050228 to construct a single-family dwelling at 1445 N. 22nd Street; and

WHEREAS, a single-family dwelling had previously been located upon the lot at 1445 N. 22nd Street but said use was discontinued in 1970; and

WHEREAS, the Impact Fee Administrator calculated the Impact Fees for the new single-family dwelling without giving any credit for the prior use, using the Impact Fee Schedules beginning January 1, 2005; and

WHEREAS, the Impact Fee Determination was dated February 28, 2005; and

WHEREAS, the Appellant filed his Notice of Appeal on May 31, 2005, appealing the Impact Fee Determination requesting that the Impact Fees be waived or reduced as there was a single-family dwelling previously located on the property and Appellant received no credit for the prior

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use, and that strict application of the Impact Fee Ordinance's calculations under these circumstances work an unjust and undue burden on the Appellant; and

WHEREAS, Lincoln Municipal Code § 27.82.110(i) provides that a Notice of Appeal shall be filed within 10 days after the Impact Fee Determination; and

WHEREAS, Lincoln Municipal code § 27.82.050(4) provides that credit against Impact Fees based upon a prior use is only allowed in the event that the previous use was in operation within 15 years prior to the date of application for the redevelopment; and

WHEREAS, the City Council finds that Impact Fee Notice of Appeal was not timely filed; and

WHEREAS, the City Council finds that the Impact Fee was correctly calculated and that there are no unusual circumstances for the development which demonstrate that the application of the fee to the development would be unfair or unjust as the requested waiver reduction based upon the prior use of the property some 35 years ago does not meet any of the stipulations or conditions required for reduction and/or exemption from Arterial Street Impact Fees.

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

That the Impact Fee Appeal filed by Brett Joseph on May 31, 2005 is hereby denied for the following reasons:

1. The May 31, 2005 Notice of Appeal was not filed within 10 days after the February 28, 2005 Impact Fee Determination from which appeal is being filed as required by Lincoln Municipal Code § 27.82.110(i).

2. The Impact Fee Ordinance requires that the Arterial Street Impact Fee for this building be calculated based upon the current use of the property without credit for any prior use as said prior use was not in operation within 15 years prior to date of application for this redevelopment.

3. The requested exemption does not meet any of the stipulations or conditions required for reduction or exemption from Arterial Street Impact Fees.

Introduced by Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING THE CITY OF LINCOLN FEDERAL TRANSIT AUTHORITY PROGRAM FOR DRUG AND ALCOHOL TESTING FOR MASS TRANSIT WORKERS IN SAFETY SENSITIVE FUNCTIONS (REQUEST TO CON'T. P.H. 2 WKS TO 8/15/05) - PRIOR to reading:

COOK Moved to continue Public Hearing and Action to 8/15/05.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REAPPOINTING JOHN LUDDEN, PHYLLIS BOVEE, AND BONNIE ARMSTRONG TO THE LINCOLN AREA AGENCY ON AGING ADVISORY COUNCIL FOR THREE-YEAR TERMS TO EXPIRE JULY 1, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83445 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of John Ludden, Phyllis Bovee, and Bonnie Armstrong to the Lincoln Area Agency on Aging Advisory Council for three-year terms expiring July 1, 2008 is hereby approved.

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPOINTING JON REHM TO THE CABLE ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING JULY 1, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83446 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jonathan Rehm to the Cable Advisory Board for a three-year term expiring July 1, 2008 is hereby approved.

Introduced by Jonathan Cook

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPOINTING MODESTA PUTLA TO THE MULTICULTURAL ADVISORY COMMITTEE TO FILL AN UNEXPIRED TERM EXPIRING SEPTEMBER 18, 2006 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83447 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Modesta Putla to the Multicultural Advisory Committee to fill an unexpired three-year term expiring September 18, 2006 is hereby approved.

Introduced by Jonathan Cook

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPOINTING DAWNEANE MUNN TO THE LINCOLN AREA AGENCY ON AGING ADVISORY COUNCIL FOR A THREE-YEAR TERM EXPIRING JULY 1, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83448 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dawneane Munn to the Lincoln Area Agency on Aging Advisory Council for a three-year term expiring July 1, 2008 is hereby approved.

Introduced by Jonathan Cook

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 1 - 15, 2005 - PRIOR to reading:

CAMP Moved to amend Bill No. 05R-176 in the following manner: Move Line Item 14, claim of Erich Warner, and Line Item 16, claim of Jodi Ratliff, to the "Allowed" Column. Also approve Erich Warner for a total of \$125.00 and approve Jodi Ratliff for a total of \$73.00.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption as amended:

A-83449 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 July 18, 2005, 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</u>		<u>ALLOWED OR SETTLED</u>	
Virginia Witulski	\$1,179.18	Steven Wittenhagen & Lindsay Wittenhagen	\$1,718.10
Chelsea Madden	3,833.83	Jeff Hatcher & Judy Hatcher	171.20
Sheri & David Stinnett	1,560.60	Gary Shandera	772.78
Ray Schmid	270.92	Dan Bentzinger	418.56
Erich Warner	205.75	Silvia Dimas & Ezequiel Dimas	583.46
Trisha Lankster	NAS*	Edmund A. Schneider Jr.	63.00
Jodi Ratliff	73.00	Erich Warner	125.00
Marilyn Waldron	1,402.47	Jodi Ratliff	73.00
April L. Woods	NAS*		

* No Amount Specified

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

Introduced by Jonathan Cook

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR THE RECONSTRUCTION OF ROKEBY ROAD FROM A POINT 500' EAST OF SOUTH 98TH STREET TO A POINT 1100 FEET EAST OF SOUTH 98TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83450 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, for the widening, reconstruction and maintenance of the paving project in Rokeby Road from a point 500 feet east of South 98th Street to a point 1100 feet east of South 98th Street, 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 forward the fully executed originals of said Agreement to Trish Owen for placement on the Lancaster County Board agenda.

Introduced by Jonathan Cook

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING THE REMOVAL OF THE EXISTING BARRICADE IN CUMBERLAND DRIVE AT THE COMMON LINE OF COLONIAL ACRES 2ND ADDITION AND JERROLD HEIGHTS 2ND

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ADDITION - PRIOR to reading:

CAMP Moved to place Bill No. 05R-178 on pending indefinitely.
Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING THE 2005-06 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT REGARDING STORMWATER QUALITY AND QUANTITY ISSUES - PRIOR to reading:

NEWMAN Moved to amend Bill No. 05R-179 in the following manner: On page 1, line 2, after the word "attached" insert the word Substitute. Replace the Fiscal Year 2005-2006 Work Plan for the Interlocal Agreement on Stormwater Management attached to Bill No. 05-179 marked as Attachment "A" with the Substitute Fiscal Year 2005-2006 Work Plan for the Interlocal Agreement on Stormwater Management attached hereto marked as Attachment "A".

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption as amended:

A-83451 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Substitute Fiscal Year 2005-2006 Work Plan for the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, 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. Said Fiscal Year 2005-2006 Work Plan establishes a framework and division of responsibilities for addressing stormwater quality and quantity in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2005-2006 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Fiscal Year 2005-2006 Work Plan to the Interlocal Agreement to Ben Higgins, Public Works and Utilities Department, 901 N. 6th Street, for transmittal to the Lower Platte South Natural Resources District.

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING A LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN CITY EMPLOYEES ASSOCIATION TO BE EFFECTIVE AUGUST 11, 2005 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83452 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, to be effective August 11, 2005, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING A LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN POLICE UNION TO BE EFFECTIVE AUGUST 11, 2005 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83453 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 Police Union, to be effective August 11, 2005, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF AUGUST 15, 2005 AT 1:30 PM FOR THE APPLICATION OF GRANITE CITY FOOD & BREWERY LTD. DBA GRANITE CITY FOOD & BREWERY FOR AN ADDITION OF THEIR LICENSED PREMISE FOR A SIDEWALK CAFÉ AREA APPROXIMATELY 54 FEET BY 18 FEET TO THE EAST - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83454 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 18, 2005, at 1:30p.m. or

as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the Application of Granite City Food & Brewery Ltd. dba Granite City Food & Brewery for an addition of their licensed premise for a Sidewalk Café area approximately 54 feet by 18 feet to the east.

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

Introduced by Robin Eschliman

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF AUGUST 15, 2005 AT 1:30PM FOR THE MANAGER APPLICATION OF MARGARET E. STINE FOR THE CONCORD NEIGHBORHOOD CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR LOCATED AT THE FOLLOWING LOCATIONS: 3951 NORTH 27TH STREET, 1133 "Q" STREET, 3730 VILLAGE DRIVE, 6100 "O" STREET, UNIT C-318 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83455 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 18, 2005, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the Manager Application of Margaret E. Stine for the Concord Neighborhood Corporation dba Applebee's Neighborhood Grill & Bar located at the following locations: 3951 North 27th Street, 1133 "Q" Street, 3730 Village Drive, 6100 "O" Street, Unit C-318.

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

Introduced by Robin Eschliman

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

PETITIONS AND COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE CITY COUNCIL ON JULY 25, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS OF JUNE 30, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ORDINANCES - 1ST READING

CHANGE OF ZONE 05011 - APPLICATION OF PINE LAKE DEVELOPMENT FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND OLD CHENEY ROAD (RELATED ITEM: 05R-185) - CLERK read the following ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

USE PERMIT 05003 - APPLICATION OF PINE LAKE DEVELOPMENT TO DEVELOP 220,000 SQUARE FEET OF COMMERCIAL FLOOR AREA WITH REQUESTED WAIVERS OF THE PRELIMINARY PLAT PROCESS, TO REDUCE THE FRONT YARD SETBACK FROM 50 FEET TO 25 FEET ALONG S. 84TH STREET AND OLD CHENEY ROAD FOR PARKING AND DRIVING AISLES, AND TO WAIVE THE REQUIRED FRONT YARD ON EACH STREET SIDE OF A DOUBLE FRONTAGE LOT, ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND OLD CHENEY ROAD. (RELATED ITEM: 05-115) (ACTION DATE: 8/15/05)

ORDINANCES - 3RD READING

ANNEXATION 04001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 77 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF HUMPHREY AVENUE AND EAST OF NORTH 14TH STREET (IN CONNECTION W/05R-157, 05-92) - CLERK read the following ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln,

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Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary fo the City of Lincoln, Nebraska established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18579**, is recorded in Ordinance Book #25, Page

APPROVING THE STONE BRIDGE CREEK 1ST CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND STONE BRIDGE CREEK, LLC, RELATING TO THE ANNEXATION OF APPROXIMATELY 77 ACRES, GENERALLY LOCATED SOUTH OF HUMPHREY AVENUE AND EAST OF NORTH 14TH STREET (IN CONNECTION W/ 05-91, 05-92) (ACTION DATE: 8/1/05) - PRIOR to reading:

NEWMAN Moved to amend Bill No. 05R-157 in the following manner: On page 1, line 2, after the word "titled" insert the word Substitute. Replace the Stonebridge Creek 1st Conditional Annexation and Zoning Agreement attached to Bill No. 05R-157 marked as Attachment "A" with the Substitute Stonebridge Creek 1st Conditional Annexation Agreement attached hereto marked as Attachment "A".

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption as amended:

A-83456 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Substitute Stonebridge Creek 1st Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Stonebridge Creek, LLC (Owner), outlining certain conditions and understandings relating to the annexation of approximately 77 acres of property generally located south of Humphrey Avenue and North 14th Street, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return two fully executed copies of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CHANGE OF ZONE 04007 - APPLICATION OF STONE BRIDGE CREEK LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF HUMPHREY AVENUE AND EAST OF NORTH 14TH STREET (IN CONNECTION W/05-91, 05R-157) - CLERK read the ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18580**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05044 - APPLICATION OF URBAN DEVELOPMENT DEPARTMENT FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT, ON PROPERTY APPROXIMATELY TWO BLOCKS WITHIN THE UNIVERSITY PLACE NEIGHBORHOOD GENERALLY LOCATED BETWEEN CLEVELAND AND BALDWIN AVENUES, ON THE WEST SIDE OF 47TH STREET - CLERK read the following ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18581**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05046 - APPLICATION OF PIERSON, FITCHETT, HUNZEKER, BLAKE AND KATT TO AMEND LINCOLN MUNICIPAL CODE 27.71.080 TO ALLOW FENCES TO A MAXIMUM HEIGHT OF 102 INCHES UNDER CERTAIN CONDITIONS - PRIOR to reading:

COOK Moved Motion to Amend No. 1 for Bill No. 05-99 as follows: On page

2, line 15, delete the word "transformers" and insert in lieu thereof the word "equipment". On page 2, line 17, delete the word "three" and insert in lieu thereof the word "non-opening". On page 2, lines 17 & 18, delete the words "the transformers" and insert in lieu thereof the words "padmounted equipment".

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

COOK

Moved Motion to Amend No. 2 for Bill No. 05-99 as follows: On page 1, delete all of lines 15 through 19 and insert in lieu thereof the following: (1) The fence is located in a required front yard of a lot in a residentially zoned district which has more than one required front yard; On page 2, delete all of lines 4 through 7, On page 2, line 9, delete the period, and add the words "on an abutting lot".

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK

Read the following ordinance, introduced by Jon Camp, amending Section 27.71.080 of the Lincoln Municipal Code relating to fences to provide additional circumstances under which fences may be erected to a height in excess of seventy-six inches; and repealing Section 27.71.080 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP

Moved to pass the ordinance as amended.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18582**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05047 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND LINCOLN MUNICIPAL CODE SECTION 27.45.070 TO CHANGE THE MAXIMUM HEIGHT IN THE H-4 GENERAL COMMERCIAL DISTRICT FROM 35 FEET TO 45 FEET - CLERK read the following ordinance, introduced by Jon Camp, amending Section 27.45.070 of the Lincoln Municipal Code relating to the height and area regulations in the H-4 Highway General Commercial District by amending Table 27.45.070(a) to increase the maximum building height from 35 feet to 45 feet; and repealing Section 27.45.070 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP

Moved to pass the ordinance as read.

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18583**, is recorded in Ordinance Book #25, Page

APPROVING A REVISED SCHEDULE FOR WATER FEES AND SERVICE CHARGES FOR THE LINCOLN WATER SYSTEM (ACTION DATE: 8/1/05) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83457

WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Section 17.22.010 of the Lincoln Municipal Code to establish water use charges for all customers of the Lincoln Water System.

WHEREAS, Both the Mayor's Advisory Committees, Streets, Roads and Trails (SRT) and the Mayor's Infrastructure Finance Committee (MIFC) support the water rate increases proposed by the City's Public Works & Utilities Department over the next 10 years, to help finance the infrastructure needs identified in the City's Capital Improvement Program. The current projections acknowledge the need for approval of a 7% user fee increase for Fiscal Year 2005-06; a 7% increase for Fiscal Year 2006-07; and a 5% increase for Fiscal Year 2007-08.

WHEREAS, Lincoln's water infrastructure is a necessary component and is required under city charter to be provided to all areas served within the city limits.

And WHEREAS, Lincoln's water rates have historically remained low, and even with the proposed rate increases will continue this tradition of competitive rates within the region and nationally.

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

Effective with the billing cycle commencing on November 15, 2005, and ending January 15, 2006, the following schedule of water use charges is hereby established and adopted:

SCHEDULE A

The following rate schedule shall apply to all residential property. "Residential Property" shall be defined as property consisting of dwelling units. If there is more than one use per master meter on any one property including the residential use, the schedule to be used will be determined as residential, if the residential portion is 50 percent or more of the area of the building.

99.5 cents per 100 cubic feet for the first 800 cubic feet of water used per dwelling unit each month.

138 cents per 100 cubic feet for the next 1500 cubic feet of water used per dwelling unit each month.

210 cents per 100 cubic feet for all additional water used each month.

The monthly Service Charge shall be hereinafter provided.

SCHEDULE B

The following rate schedule shall apply for the current calendar year to all non-residential property that used less than 12,000,000 cubic feet of water in the previous calendar year:

99.5 cents per 100 cubic feet for the first 8000 cubic feet of water used per month.

138 cents per 100 cubic feet for all additional water used each month.

The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE C

The following rate schedule shall apply for the current year to all non-residential property that used more than 12,000,000 cubic feet of water in the previous calendar year. On a calendar year basis, a "base usage" of each high user customer will be determined. The base usage is an average of the water usage of each high user customer for the previous three (3) calendar years. The following fees would apply:

93.5 cents per 100 cubic feet for water usage less than base to 5% above base.

97.5 cents per 100 cubic feet for water usage 5% - 15% above base.

101.5 cents per 100 cubic feet for water usage 15% - 25% above base.

106.5 cents per 100 cubic feet for water usage for all water usage over 25% above base.

The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE D - PROVISIONS APPLICABLE -

TO ALL TYPES OF WATER SERVICE

Service Charge. There shall be a Service Charge per month to each property using the Lincoln Water System, determined by the number and size of the water meter, or meters, serving such property, to-wit:

SERVICE CHARGE FOR

WATER METER SIZE	WATER METER
5/8 INCH	\$2.95
3/4 INCH	\$2.95
1 INCH	\$2.95
1-1/2 INCH	\$5.90
2 INCH	\$11.80
3 INCH	\$26.55
4 INCH	\$47.20
6 INCH	\$106.15
8 INCH	\$188.75
10 INCH	\$294.90

The Service Charge for a multiple dwelling unit or mobile home shall be at least \$1.81 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$2.95 per dwelling unit. A dwelling unit shall, for the purpose of this schedule, be defined as a room or rooms in which kitchen facilities are provided, located in the building or structure used by a facility or household as a home or residence of the family or household.

WATER RATES TO CUSTOMERS OUTSIDE

THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the water system of the City of Lincoln shall pay the same water rates charged to customers within the City Limits of Lincoln for water furnished them by the water system of the City of Lincoln.

BE IT FURTHER RESOLVED that Resolution No. A-82998, adopted by the City Council on September 27, 2004, is hereby superseded.

Introduced by Jon Camp

Seconded by McRoy & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

APPROVING A REVISED SCHEDULE FOR WASTEWATER FEES AND SERVICE CHARGES FOR THE LINCOLN WASTEWATER SYSTEM (ACTION DATE: 8/1/05) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83458 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Sections 17.60.020 and 17.60.030 of the Lincoln Municipal Code to establish wastewater charges for all customers of the Lincoln Wastewater System.

WHEREAS, Both the Mayor's Advisory Committees, Streets, Roads and Trails (SRT) and the Mayor's Infrastructure Finance Committee (MIFC) support the wastewater rate increases proposed by the City's Public Works & Utilities Department over the next 10 years, to help finance the infrastructure needs identified in the City's Capital Improvement Program. The current projections acknowledge the need for approval of a 9% user fee increase for Fiscal Year 2005-06; a 9% increase for Fiscal Year 2006-07; and a 7% increase for Fiscal Year 2007-08.

WHEREAS, Lincoln's wastewater infrastructure is a necessary

component and is required under city charter to be provided to all areas served within the city limits.

And WHEREAS, Lincoln's wastewater rates have historically remained low, and even with the proposed rate increases will continue this tradition of competitive rates within the region and nationally.

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

Effective with the billing cycle commencing on November 15, 2005, the following schedule of wastewater use charges is hereby established and adopted:

BASIC WASTEWATER USE CHARGE

(a) The basic wastewater use unit charge is hereby established as 132.5 cents.

(b) For any given residential property, the basic wastewater use charge for each billing cycle shall be determined by multiplying for each such cycle the total amount of water, in hundreds of cubic feet, metered for said property during a billing cycle chosen by the Director from the most recent past winter, by the basic wastewater use unit charge.

In the case of change of occupancy of residential property, if the Director reasonably determines that to compute the basic wastewater use charge for a given billing cycle upon the amount of water used by such property during such winter billing cycle would be inequitable either to the City or to the user, he shall use the average amount of water used by like users during such winter billing cycle to compute such charge.

(c) For any non-residential property, the basic wastewater use charge for a given billing cycle shall be determined by multiplying for each cycle the amount of water or wastewater, in hundreds of cubic feet, measured for said property during such cycle, by the basic wastewater use unit charge.

(d) Non-residential users shall be given credit, at the same rate, for water not discharged into the sanitary sewers provided such water is separately metered with the approval of the Public Utilities Department and at the customer's expense.

(e) Where a wastewater flow meter or other wastewater measuring device is required or permitted by the Director and is used to measure the volume of wastewater discharged into the Lincoln Wastewater System, such wastewater use charge shall be computed thereon at the basic wastewater use unit charge.

SERVICE CHARGE

Regardless of whether a wastewater meter is used, there shall be a service charge per month to each property using the Lincoln Wastewater System, determined by the number and size of the water meters serving such property, to-wit:

WATER METER SIZE	SERVICE CHARGE
5/8 INCH	\$1.31
3/4 INCH	\$1.31
1 INCH	\$1.31
1-1/2 INCH	\$2.62
2 INCH	\$5.24
3 INCH	\$11.79
4 INCH	\$20.79
6 INCH	\$47.17
8 INCH	\$83.85
10 INCH	\$131.02

The minimum service charge for a multiple dwelling unit or a mobile home shall be at least \$0.78 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$1.31 per dwelling unit.

WASTEWATER RATES TO CUSTOMERS OUTSIDE
THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the Lincoln Wastewater System shall pay the same Wastewater rates charged to customers within the City Limits of Lincoln for service furnished them by the Lincoln Wastewater System.

BE IT FURTHER RESOLVED that Resolution No. A-82997, adopted by the City Council on September 27, 2004, is hereby superseded.

Introduced by Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

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PENDING -

CAMP Moved to extend the Pending List to August 8, 2005.
 Seconded by McRoy & carried by the following vote: AYES: Camp,
 Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
 August 8, 2005.
 Seconded by McRoy & carried by the following vote: AYES: Camp,
 Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 5:10 P.M.

CAMP Moved to adjourn the City Council meeting of August 1, 2005.
 Seconded by McRoy & carried by the following vote: AYES: Camp, Cook,
 Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
 So ordered.

Teresa J. Meier, Deputy City Clerk

Jamie Phillips, Senior Office Assistant