

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 8, 2005 AT 4:30 P.M.**

The Meeting was called to order at 4:30 p.m. Present: Council Chair Svoboda; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Newman; City Clerk, Joan E. Ross.

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

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

PUBLIC HEARING

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;

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 - Bob Lewis, came forward representing Pine Lake Development, LLC to request waivers to the development of property at South 84th and Old Cheney Road. Discussion followed.

APPROVING THE STARTRAN RATE SCHEDULE TO INCREASE THE STARTRAN FARE STRUCTURE - Bill Crawford, 105 N. 8th St., Apt. 206, came forward to request the rates for the night van be kept affordable for the low income and disabled citizens.

Alan Green, Executive Director of Mental Health Associates of Nebraska, came forward against the Handivan rate increase proposed. Discussion followed.

Jimmy Burke, Employee of Mental Health Associates of Nebraska, came forward against the proposed Handivan rate increase.

Patte Newman, Council Member, stated I want this read into the record that Kenny Nelson did contact me, he sent an e-mail to all of the City Council and it's in our packet. It's supporting the Handivan and the StarTran system., He could not be here tonight, but he wanted to make sure it was in the record.

Larry Worth, Transit Manager of StarTran, came forward to answer questions. Discussion continued.

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

MISCELLANEOUS BUSINESS - NONE

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND 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 second 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)

RESOLUTIONS

APPROVING THE STARTRAN RATE SCHEDULE TO INCREASE THE STARTRAN FARE STRUCTURE -
- PRIOR to reading:

MCROY Moved to delay action for one week to 8/15/05.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REAPPOINTING HELEN MEEKS TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2008 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83459 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Helen Meeks to the Community Health Endowment Board of Trustees for a three-year term expiring September 1, 2008 is hereby approved.

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

APPOINTING MARY JANE HUMPHREY, RICHARD BOUCHER, AND ED WIMES TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 1, 2008 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83460 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Mary Jane Humphrey, Richard Boucher, and Ed Wimes to the Community Health Endowment Board of Trustees for three-year terms expiring September 1, 2008 is hereby approved.

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 MONDAY, AUGUST 15, 2005 AT 1:30 P.M. FOR APP. OF 513 VEGAS GROUP LLC DBA OPULENCE ULTRA CLUB FOR A CLASS C LIQUOR LICENSE AT 1033 O STREET, SUITE 10 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83461 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 15, 2005 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of 513 Vegas Group LLC dba Opulence Ultra Club for a Class "C" liquor license at 1033 O Street, Suite 10.

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

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 22, 2005 AT 1:30 P.M. FOR APP. OF CHRISTO'S PUB, INC. DBA CHRISTO'S PUB FOR A CLASS C LIQUOR LICENSE AT 1200 O STREET CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83462 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 22, 2005 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of Christo's Pub, Inc. Dba Christo's Pub for a Class "C" liquor license at 1200 O Street.

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

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 22, 2005 AT 1:30 P.M. FOR APP. OF LINCOLN STEAK COMPANY LLC DBA WHISKEY CREEK STEAKHOUSE AT 3000 PINE LAKE RD. FOR A CATERING LICENSE - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83463 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 22, 2005 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of Lincoln Steak Company LLC dba Whiskey Creek Steakhouse for a catering application at 3000 Pine Lake Road.

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

Introduced by Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 22, 2005 AT 1:30 P.M. FOR MAN. APP. OF JOEL C. PRIEST FOR BRINKER RESTAURANT CORP. DBA CHILI'S SOUTHWEST GRILL AT 6730 S 27TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83464 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 22, 2005 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Manager Application of Joel C. Priest for Brinker Restaurant Corp. dba Chili's Southwest Grill at 6730 S. 27th Street.

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

Introduced by Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 22, 2005 AT 1:30 P.M FOR APP. OF HY VEE, INC #1, HY VEE, INC. #2, & HY VEE, INC. #3 FOR CLASS C LIQUOR LICENSES AT 6919 O STREET, 2343 N. 48TH STREET, & 5020 N. 27TH STREET - CLERK read the following resolution, introduced by Dan Marvin who moved its adoption:

A-83465 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 22, 2005 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of Hy Vee's #1, #2, & #3 for Class C liquor licenses at 6919 O St., 2343 N. 48th St., 5020 N. 27th St.

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

Introduced by Dan Marvin

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

PETITIONS AND COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 05053 - App. of the Planning Director for a change from P to R-3 on property 12th Street & Highlands Blvd.

Change of Zone 05055 - App. of Richard Evnen of PFS Property LLC for a change from AG to I-3 at NW 60th & West O Street.

Use Permit 05007 - App. of Richard Evnen of PFS Property LLC for a 735,000 sq. ft. of commercial, with waiver requests to allow on premise ground sounds for each free standing pad site building to be located more than 30' from the buildings and within the front yard setback to dedicate 60' of right-of-way along West O Street instead of 100' and to allow a double frontage lot for Lot 3 located at NW 56th Street and West O Street.

Special Permit 1689A - App. of Mulligan, Inc. an amendment to expand the outdoor premises authorized for the sale of alcohol for consumption on the premises located at S. 56th Street & Old Cheney Road.

THE FOLLOWING REQUESTS FOR REASONABLE ACCOMMODATION APPLICATIONS HAVE BEEN REFERRED TO THE PLANNING COMMISSION:

1. Developmental Services of Nebraska, Inc. (DSN), 424 N. Coddington Avenue.
2. Developmental Services of Nebraska, Inc. (DSN), 416 N. Coddington Avenue.
3. Developmental Services of Nebraska, Inc. (DSN), 5516 Hunts Drive.
4. Developmental Services of Nebraska, Inc. (DSN), 1661 Timber Ridge Road.

REPORTS OF CITY OFFICERS

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JUNE 30, 2005 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83466 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended June 30, 2005, \$412,631.10 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Dan Marvin

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR JULY 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JUNE 2005 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE QUARTER ENDING JUNE 30, 2005 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTHS OF JAN.-JUNE, 2005: D&D COMM.; APRIL, 2005: NWSI; APRIL-JUNE, 2005: AMERIVISION, CLARICOM, TRINSIC, VOICESTREAM, TOUCH 1; MAY, 2005: NEBRASKA TECHNOLOGY & TELECOMM., CELLULAR ONE, CRICKET, USCOC OF GREATER IOWA, NEW CINGULAR WIRELESS, AT&T COMM. OF MIDWEST, ALLTEL NEBRASKA, ALLTEL COMM. OF NEBRASKA, ALLTEL SYSTEMS OF THE MIDWEST, 360 NETWORKS(USA), WORKING ASSETS, VIRGIN MOBILE USA, UCN, TRANS NATIONAL COMM. INT'L., CIII COMM. OPERATIONS, CINCINNATI BELL ANY DISTANCE, XO COMM., BELL ATLANTIC COMM., ON STAR, INTELLICALL OPERATOR, GLOBAL CROSSING, PRIMUS, MCLEODUSA, ACN, ADVANCED TEL, VERIZON, TELECORP., LIBERTY WIRELESS, KDDI AMERICA, T-NETIX, QUANTUM SHIFT, IBM GLOBAL, VOICECOM, QWEST, TRACFONE WIRELESS, GUARANTEED PHONE, ONE CALL; JUNE 2005: SPRINT SPECTRUM, SPRINT, NEXTEL PARTNERS, NETWORK BILLING SYSTEMS, SBC LONG DISTANCE, LIGHTYEAR NETWORK SOLUTIONS, NOS COMM., GTC, LDMI, GLOBALCOM, ACCERIS, ZONE, TRI-M, ASSOCIATION ADM., AFFINITY NETWORK, ATS MOBILE TELEPHONE, NOSVA LTD, VARTEC, EXCEL. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

REPEALING SECTION 10.48.090 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SALE OF ABANDONED OR SEIZED BICYCLES - CLERK read an ordinance, introduced by Dan Marvin, repealing Section 10.48.090 of the Lincoln Municipal Code relating to the sale of abandoned or seized bicycles, the first time.

AMENDING CHAPTER 8.06 AIR POLLUTION, 8.20 FOOD CODE, 8.24 NOISE CONTROL, 8.38 PUBLIC SWIMMING POOLS, 8.40 SPA FACILITIES, 8.44 WATER WELLS, AND 24.38 ON-SITE WASTEWATER TREATMENT, TO INCREASE FEES FOR VARIOUS PERMITS AND TO CREATE FEES FOR NOISE VARIANCES - CLERK read an ordinance, introduced by Dan Marvin, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation to increase various permit fees and to create fees for noise variances by amending Section 8.06.145 to increase the open burning permit fee; amending Section 8.20.150 to increase food establishment permit fees; amending Section 8.20.160 to increase fees for late renewal of food establishment permits; amending Section 8.20.170 to increase reinstatement fees for permits issued under the Lincoln Food Code; amending Section 8.20.230 to increase restricted food manager permit fee and the food manager permit fee; amending Section 8.24.150 to provide a permit fee for noise control ordinance variances; amending Section 8.38.090 to increase the permit fee for a public swimming pool; amending Section 8.40.070 to increase spa facility permit fees; amending Section 8.44.060 to provide water well permits shall be valid for one year rather than two years; amending Section 8.44.070 to increase water well permit fees; and amending Section 24.38.070 to increase permit fees for wastewater treatment systems and related permits; and repealing Sections 8.06.145, 8.20.150, 8.20.160, 8.20.170, 8.20.230, 8.24.150, 8.38.090, 8.40.070, 8.44.060, 8.44.070, 24.38.070 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE WATER CONSTRUCTION FUND, STREET CONSTRUCTION/VEHICLE TAX FUND, PARKING REVENUE FUND, AND SANITARY SEWER CONSTRUCTION FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Dan Marvin, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Construction Fund, Street Construction/Vehicle Tax Fund, Parking Revenue Fund, and Sanitary Sewer Construction Fund within the Public Works & Utilities Department, the first time.

COMP. PLAN AMENDMENT 05013 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION FROM COMMERCIAL AND INDUSTRIAL TO URBAN RESIDENTIAL ON PROPERTY GENERALLY LOCATED ALONG HUMPHREY AVENUE BETWEEN N. 14TH AND N. 27TH STREETS. (RELATED ITEMS: 05R-190, 05-119, 05R-191, 05R-120).

ANNEXATION 05009 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF I-80 AND N. 27TH STREET. (RELATED ITEMS: 05R-190, 05-119, 05R-191, 05R-120) - CLERK read an ordinance, introduced by Dan Marvin, annexing and including the below described land as part of the City of Lincoln, 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 of the City of Lincoln, Nebraska established and shown thereon, the first time.

APPROVING THE STONE BRIDGE CREEK - THE VILLAS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND STONEBRIDGE CREEK, LLC RELATING TO THE ANNEXATION OF APPROXIMATELY 22 ACRES, GENERALLY LOCATED NORTHWEST OF THE I-80 AND NORTH 27TH STREET INTERCHANGE. (RELATED ITEMS: 05R-190, 05-119, 05R-191, 05R-120).

CHANGE OF ZONE 04081 - APPLICATION OF STONE BRIDGE CREEK LLC FOR A CHANGE OF ZONE FROM I-3 EMPLOYMENT CENTER DISTRICT TO R-3 RESIDENTIAL DISTRICT AND FROM AG AGRICULTURAL DISTRICT TO I-3 EMPLOYMENT DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF I-80 AND N. 27TH STREET. (RELATED ITEMS: 05R-190, 05-119, 05R-191, 05R-120) - CLERK read an ordinance, introduced by Dan Marvin, 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 hereon, the first time.

CHANGE OF ZONE 04063 - AMENDING CHAPTER 27.68 OF THE LINCOLN MUNICIPAL CODE, PERSONAL WIRELESS FACILITIES, TO DELETE THE REQUIREMENT FOR AN ADMINISTRATIVE PERMIT TO COLLOCATE ON EXISTING FACILITIES, TO CLARIFY HOW THE FALL ZONE IS MEASURED, AND TO DELETE THE DEFINITION OF "MODIFICATION" - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 27.68 of the Lincoln Municipal Code relating to Personal Wireless Facilities to by amending Section 27.68.020 to delete the definition of "modification"; amending Section 27.68.030 to delete the requirement for an administrative permit to co-locate on existing facilities; amending Section 27.68.110 to clarify how the fall zone is measured; and repealing Sections 27.68.020, 27.68.030, and 27.68.110 of the Lincoln Municipal Code as hitherto existing, the first time.

STREET NAME CHANGE 05006 - RENAMING BLAINE COURT AS BLAINE DRIVE GENERALLY LOCATED ON THE EAST SIDE OF ENTERPRISE DRIVE, 1/4 MILE NORTH OF FOLKWAYS BLVD. IN TABITHA NEW COMMUNITY - CLERK read an ordinance, introduced by Dan Marvin, changing the name of Blaine Court to Blaine Drive located on the east side of Enterprise Drive, 1/4 mile north of Folkways Boulevard in Tabitha New Community, as recommended by the Street Name Committee, the first time.

ORDINANCES - 3RD 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 third 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 #18585, 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 horse power class backhoe loader for use by the Public Works & Utilities Water Division, the third 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 #18586, is recorded in Ordinance Book #25, Page

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 - PRIOR to reading:

NEWMAN Moved to amend the agreement to Bill No. 05-103.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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 third time.

COOK Moved to pass the ordinance as amended.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered #18587, is recorded in Ordinance Book #25, Page

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 third time.

COOK 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 **#18588**, is recorded in Ordinance Book #25, Page

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 third time.

COOK 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 **#18589**, is recorded in Ordinance Book #25, Page

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 third time.

COOK 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 **#18590**, is recorded in Ordinance Book #25, Page

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 - PRIOR to reading:

CAMP Moved to delay action on Bill No. 05-107 for two weeks to 8/22/05.
Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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 third 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 third 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 **#18591**, is recorded in Ordinance Book #25, Page

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 third time.

COOK 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 **#18592**, is recorded in Ordinance Book #25, Page

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 third time.

COOK 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 **#18593**, is recorded in Ordinance Book #25, Page

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18594**, is recorded in Ordinance Book #25, Page

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 third time.

COOK 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 **#18595**, is recorded in Ordinance Book #25, Page

MAYOR'S VETO OF RESOLUTION NO. A-83439 - HEARING ON DAN HOFFMAN'S NOTICE OF APPEAL APPEALING FROM THE IMPACT FEES DETERMINATION OF IMPACT FEES IMPOSED FOR THE SINGLE-FAMILY DWELLING LOCATED AT 2464 WOODSCREST AVE. AND REQUESTING A WAIVER OR REDUCTION OF SAID FEES - COOK moved to override the Mayor's Veto of Resolution A-83439.

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

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to August 15, 2005.
Seconded by Marvin & 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 15, 2005.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 5:11 P.M.

RECONVENED 5:25 P.M.

ONE AND SIX YEAR STREETS & HIGHWAY PUBLIC HEARING

Chairperson Svoboda: This evening, the Lincoln City Council is holding a Public Hearing on the One and Six Year Streets and Highways Program. For the record, we are assembled in the City Council Chambers, Lincoln, Nebraska. The date is August 8th, 2005, the time is 5:25 p.m.. A recording of the hearing and proceeding is being made. Present and conducting this hearing are City Council members: Patte Newman, Jonathan Cook, Annette McRoy, Jon Camp, Dan Marvin, Robin Eschliman and myself, Ken Svoboda - Chairperson. This public hearing is held each year to fulfill state statutory requirements and also serves as the public hearing for the City's Capitol Improvements Program. It should be noted that the C.I.P. is a "funding" document only. The one year program lists projects proposed for final design, right-Of-way acquisition, construction or study during Fiscal Year 2006. The second through sixth year (FY 2007- 2011) program lists those projects which are in same phase of development or will enter the street planning process. All projects were identified on the public hearing notice, advertised in the Lincoln Journal Star on Sunday, July 24, 2005. Also, this notice was placed on the City's website on July 12, 2005, as well as on Channel 5. This Public Hearing is being held so citizens will have an opportunity to express their views on this proposed program. In addition, citizens have 10 days after the hearing to submit any statements or exhibits to the Public Works Department. Therefore, all statements and exhibits received on or before, August 18th, 2005 will become a part of the Public Hearing record. These statements should be forwarded to Roger Figard, City Public Works Department, Engineering Services, 531 Westgate Boulevard / Suite 100, Lincoln, Nebraska 68528. This Public Hearing is divided into three parts. First, city staff will present information related to the program. The second part of the hearing is for your participation. We are here to receive input from you. Part three of the hearing will be my closing statement. At this time I would like to call upon Public Works & Utilities staff to present information relating to this program.

Karl Fredrickson, Director of Public Works & Utilities, also joining me in the Chambers today is Roger Figard, City Engineer, Scott Opfer, Thomas Shafer, Wayne Teten should questions arise on construction schedules. As stated earlier by Councilman Svoboda this Public Hearing is to fulfill state statutory requirement, which ensures that an integrated system of public roads is provided for the general welfare of the state, counties and municipalities. The program is administered by the State Board of Public Roads Classifications and Standards.

The proposed One and Six Year Streets and Highways Program and the Capitol Improvement Program for fiscal years 2006 through 2011 reflects an average annual expenditure of nearly \$33.4 million per year. This annual expenditure is comprised of \$22.3 million of City revenues, \$8.1 million in federal aide, and \$3 million in other funds which include state and federal, Train Mile Tax, and Railroad Transportation Safety District. I have a list of these projects. On this sheet I have

showing on the screen essentially is a one year program that shows continuing of our on-going commitment to 84th Street, Antelope Valley projects such as the Big "T", Homestead Expressway, South Beltway, Capitol Parkway West where the interchange is being built at Highway 77 by the State, continued work on the preliminary design and right-of-way acquisition on the Antelope Valley series of projects, work on Harris Overpass as replacement and Yankee Hill Road, a couple more on the top, Pine Lake Road between 40th and 56th, and 48th Street at Huntington Avenue. And, in the second through the sixth year we show ongoing work on the Antelope Valley series of projects, again Harris Overpass, South Beltway, Southwest 40th Street railroad viaduct, and 48th at Madison. All of the projects listed in the One and Six are also in the City's Capitol Improvement Program that will also be for hearing later tonight. With that I'll entertain any questions.

Chairperson Svoboda: Are there any questions of Staff? Jonathan.

Jonathan Cook, Council Member: Just a quick one regarding the Antelope Valley terminology there. All the projects are said to be in Phase One except the Channel Wall projects which are said to be Phase Two or Phase Three what does that mean?

Mr. Fredricksen: I may need Roger to help me out here, essentially the Channel Phase 2 and 3 are probably the subchannels. We get the north-south roadway going along the channel broken up into two or three phases to go along with it, but it's all part of the Antelope Valley Phase One series of projects.

Mr. Cook: Okay, so Phase One elsewhere in this is referring to the Phase One of Antelope Valley, but Phase Two and Phase Three is a sub-phase.

Mr. Fredricksen: Yes, of Phase One that is correct.

Chairperson Svoboda: Any more questions of Karl or Staff? Yes Dan.

Dan Marvin, Council Member: The federal dollars were moved whether we have them or not. Can you talk about how that impacts the C.I.P.?

Mr. Fredricksen: We're looking into that right now. Essentially the Federal dollars that, my understanding is, through Congress and through the Senate. I don't know if it's been signed by the President yet, but those dollars are a little bit more than we anticipated in our Capitol Improvement Program and so we're looking at dollar for dollar. We've always said that if we get additional Federal dollars that will free up local dollars and so, local street dollars, and so we have to look at where we would like to prioritize those and so that work is underway at this point and time. The final numbers aren't in yet and we don't expect those actually until November as Federal Highway gets through running all their tables and how much obligation authority we actually get. So, we're starting to look and make some assumptions and look into where those dollars could be freed up to go, but we're not there yet as we'll probably have to come back with a proposal later this year to reallocate those dollars.

Mr. Marvin: Have an impact on the one year C.I.P. or are we talking about years?

Mr. Fredricksen: It could potentially have an impact on the one year C.I.P. The two years has already gone by since the Highway authorization expired and so we'll probably get two of the six years essentially all at once. So, if the verbiage, the final verbiage in the Highway Authorization Bill is how we think it will be we can actually go back retroactively and put federal aide on it. We need to see the final version yet to be able to do an analysis potentially.

Mr. Cook: Tell me about East O Street from 42nd to 52nd. The plan that has been talked about up to this point really involves just something like 46th to 52nd. Are you including all the way to 42nd because you'll continue to do a study of that or draw designs or why is that additional four blocks included?

Mr. Fredricksen: I think we'll continue to look at the design. We've surveyed that area. Well actually we'll probably do an overlay work with the State probably 33rd, but we'll continue to look at the design work to 42nd with the whole idea that we don't end up at 46th with, you know, moving it north or south a few feet so we don't have a good alignment heading west in the future and so we want to think past the end or our nose so to speak and make sure our alignment is correct at 46th so we can take off and go in the future.

Jon Camp, Council Member: To continue with that question of Mr. Cook's, on the continuation of O Street to the west it's my understanding that you would like to see it be six lanes all the way to 33rd or 27th. Could you perhaps elaborate on how that would work on your alignments here because you have the two cemetery's here that you have to go through?

Mr. Fredricksen: I think part of the long-range transportation

plan update should help to address that as far as the need as to what number of lanes further west. We anticipate that three lanes each direction would probably meet further west. As to what point, I guess, is still up in the air for question. So, in the long-range transportation plan update we would be looking to try to figure those out. If the cemetery, as far as the alignment go, it's very tight in there so potentially we'd have to shift south to keep the north retaining wall where it is, narrow lanes up, narrow medians up. I mean we'll look at different options, but it potentially can be done from what we see, but there are impacts.

Mr. Camp: Well, I guess the big concern that I have is the impact that this would have on businesses and others along O Street because we start stop, start stop, start stop with construction as it was with the first six lane segment of O Street was rather challenging for a number of those businesses there. I guess I do not understand how we can expect additional businesses be infringed upon in that manner.

Mr. Fredricksen: Well, we have to stay financially constrained is one aspect of it. The other is getting through the 48th intersection is a major hurdle as far as traffic congestion at that intersection. So, we're looking at different ways to try to speed that construction up to reduce those impacts.

Mr. Camp: Is it 48th Street, 48th and O that's driving the fact that you want to proceed with this next segment, but, if you didn't have that we could just wait until we got the funding?

Mr. Fredricksen: Potentially, but the more you add to the project the longer it would take as well. So, if you added another mile or two miles at the end further west its more volume of work and would take longer to do as well. I don't know if that answers Those things would have to be studied a little bit more in depth.

Mr. Camp: I guess I just have a concern on this because I have a realty check. I know it looks pretty on paper to have those six lanes to be conducive to traffic flow, but if you destroy what's there as far as economic viability I don't know that you've gained anything and I have a real concern for businesses there in Lincoln that we don't just blight the area through all these closures.

Mr. Fredricksen: Well, reconstruction is difficult no matter what area in the city or any city for that matter which is why we definitely want to look to any kind of phasing of contract requirements to get it done sooner than later. There are some opportunities and that is what we're looking at. A good share of the project doesn't have any. You know, I don't want to undermine anything else, but with the economic projects of the north and south side of O Street we don't want to close a road off right when they open their doors either while at the same time we need to minimize the disruption to those who are already on that corridor at the ends of those corridors. We're balancing all those needs between the finances we have and the area of town we're in.

Chairperson Svoboda: We have reached the second part of this Public Hearing. During this segment of the hearing all interested parties who would like to present a statement, comment, or ask questions pertaining to this proposed program may do so! In presenting your statement, you may do so in one of several ways. Your statement may be entirely oral, you may have a prepared written statement which you may read; or if you have a written statement and do not wish to read it into the record, you may simply give the statement to the City Clerk. It will be included as part of the official hearing record. Because a record of this hearing must be kept, it is requested that when you come forward to comment, you sign the sign-up sheet, then state your name and address and please spell your last name. Now, anyone interested in making a statement on this program may do so. I will comment that even though the C.I.P. is part of our annual budget this is an open chance for those wishing to speak only to the One and Six Year Street Plan to come forward. By a raise of hand is there anyone who wishes to speak on the One and Six Year Street Plan and Highway Plan? See none thank you. Do any Council Members wish to make any comments or have any further questions. I see none as well. If there are no comments I will make some concluding remarks. Let me remind you that the statements or exhibits received on or before August 18, 2005 will become a part of this hearing record. The information received at this hearing and during the comment period will be evaluated by the Public Works Department and subsequently by the City Council. Final action will be taken by the City Council during adopting the C.I.P. budget. It is now 5:40 p.m. and the Public Hearing is closed. We will now go into our annual budget, 2005-2006 Mayor's Recommended Annual Operating Budget and Capital Improvement Program of 2005-2006 through 2011.

2005-2006 MAYOR'S RECOMMENDED ANNUAL OPERATING BUDGET
& CAPITAL IMPROVEMENT PROGRAM FY 2005-2006 - 2011

City Clerk: As part of the recommended budget the City proposes to take the following action allowed by LB 989 as passed by the 1998 Nebraska State Legislature.

1. The Mayor's recommended Budget anticipates the use of allowable growth and the tax base above the 2.5% already provided by LB 989 for improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation, and any personal property valuation over the prior year. This increase is estimated at 2.5% pending certification of final valuations from the County Assessor's office. It is the City's intention to utilize the final percentage increase in growth, as provided by the certified final valuations, to increase the restricted funds base and to utilize various other lid exemptions provided in LB 989.

2. The City intends to carryover all unused restricted fund authority from prior and current fiscal years as well as any unused restricted fund authority from the 2004-2005 budget to future fiscal years. This unused restricted fund authority is estimated at up to \$13,000,000, but depends on final completion of lid documents to be filed with the State Auditor's office. It is the City's intention to carryover all unused restricted funds authority as determined by final completion of the form. And now, Budget Officer Steve Hubka will make some brief comments.

Steve Hubka, Budget Officer: I would just like to cover a few major points of the budget for the viewing public and the citizens that are here tonight. The budget does not propose any increase in the property tax rate except for that is for the additional cost of the voter approved bonds. As you all know we are waiting on final evaluations from the County Assessor in order to finally set the tax rate, but at this point we're not expecting any increase in property tax rate. There are no change in the swimming pool hours or the library hours being proposed in the budget. The City Council has had the budget now for five or six weeks and has reviewed the budget with departments and has taken a tentative vote and one of the things that has been done is that the Council has tentatively voted to restore funding for the Municipal Band Concerts. The Administration is in support of that restoration of funding. We did reduce 18 permanent positions in the Mayor's budget. We're pleased to report there won't be no layoffs of current City staff as a result of that. That's to the credit of various departments that have been planning for a number of months and our City Personnel Department. It was mentioned earlier in the testimony about the StarTran rates, the Ride for Five Program, low income bus program, is fully funded. So those are a few items or a few points I wanted to make as we start off the budget hearing.

Les Helms, 5721 Gladstone, President of the Automated Transit Union which represents StarTran mechanics and bus drivers, came forward to ask that the Journeyman Mechanic be reinstated. Discussion followed.

Leona Bullock, 4210 N. 73rd Street, came forward to request the reinstatement of the African American Healthy Home Community Outreach Specialist to the Health Department budget.

Annie Stokes, 6510 Campbell Dr., came forward to request the reinstatement of the African American Healthy Home Community Outreach Specialist to the Health Department budget.

Florine Joseph, 1240 N. 24th Street, asked that the elimination of the African American Health Home Community Outreach Specialist be reconsidered.

Lela Shanks, 2761 Randolph, came forward against the elimination of the African American Healthy Home Community Outreach Specialist. Discussion followed.

Lucy Nevels, P O. Box 80175, came forward representing the National Council of Negro Women, against the elimination of the African American Healthy Home Community Outreach Specialist.

Jerry Hoffman, 3000 S. 72nd St., #3, came forward to express the need for more trails and parks in the new areas of the city and the decline in resources to maintain the current parks & trails.

Larry Zink, 4926 Leighton Avenue, Board member of the University Place Community Organization, came forward to speak on behalf of the Lincoln Neighborhood Alliance, and to express concerns of the neighborhood services (parks, trails, schools), infrastructure finance (maintenance) and replacing lost or removed trees.

Randy Smith, 705 S. 32nd St., came forward representing Woods Park Neighborhood Association and Citizens for Quality Parks and Trails to express that he feels the parks & trails have a major economic value and supports a need for a task force to establish how to return to a level of funding to maintain the City's parks and trails.

Mary Roseberry Brown, 1421 F Street, President of Friends of Wilderness Parks expressed the need to purchase more greenspace around Wilderness Park to be developed for flood control.

Sheryl Burbach, 400 W. Dilin, Chair of Community Forestry Advisory Board, presented facts of Lincoln's green infrastructure.

Karen Hand, 6401 Concord Circle, Parks & Recreation Advisory Board, expressed concern of declining funds each year for the Parks & Recreation Department. Discussion followed.

Bob Ripley, 3022 Williams Street, representing the Parks & Recreation Foundation, stated they will participate with the City to find ways to help the Parks Department with funding.

Rick Baxter, Lincoln resident, Secretary and Board Member of the adult baseball league, expressed a concern for the need of more baseball facilities and maintenance of the current facilities. Discussion followed.

Joan Phelan, 1715 Pawnee St., stated she commutes by bicycle and would like safer routes to travel on.

Marilyn McNabb, 1701 W. Rose St., Board Member of Wilderness Park, requested the half time person at the Nature Center be restored.

Curt Donaldson, 2860 R Street, member of the Great Plains Trails Network and also the Pioneer Parks Nature Center Board, stated he helped draft a resolution for a very fast track study to get the Council information and recommendations by the fall budget retreat for the Parks and Recreations Department. Discussion followed.

Ginny Wright, 814 Lyncrest Dr., member of the Lincoln Neighborhood Alliance, discussed funding for sidewalk repairs. Discussion followed.

Carol Brown, 2201 Elba Circle, was in favor of the City Auditor position. Americruise should be allowed to come back to Lincoln. She showed pictures of cracked & broken sidewalks, driveways, & streets in new developments and feels Public Works should review the developers work and make them guarantee their work. Discussion followed.

Glen Cekal, 1420 "C" Street, stated his opinion for the need to license duplexes and to hire a City Manager.

Kenny Nelson, 410 N. 48th St., asked that the Handivan operate on Saturdays, to have more Handivans running on Saturday and for it to be affordable for the low income and handicapped.

BREAK 7:35 P.M.

RECONVENED 7:43 P.M.

Paulette Jones, 12461 Riad St., Detroit, MI, came forward against cutting the African American Healthy Home Outreach Specialist position.

Kathy Johnston, 601 S. 18th Street, #303, came forward as the Treasurer of the Human League of Dignity against the Handivan increase.

Peter Katt, President of Lincoln Independent Business Assn., came forward to introduce Coby Mack, Executive Director of LIBA.

Coby Mack, Executive Director of LIBA, came forward in support of the independent performance auditor. They are against amending the pay range of the M class. LIBA thanked the mayor for looking into the health insurance costs, moving \$250,000 from non-street funds back to street funds, and for adding money to the Police and Fire Pensions. It was suggested the Police and Fire Department collocate when building new facilities. It was suggested to look at the number of responders and to have the new independent performance auditor look into ways of making EMS a profit center. LIBA is in favor of privatizing the Handivan. They are concerned about the spending down of the City's reserve and feel the wheel tax and City sales tax for motor vehicles be spent on road building projects. It is suggested the City Council take a second look at the Living Wage and how it is impacting City Contracts. It is requested that parking costs be held down because higher parking costs have caused business owners to move from downtown because of parking needs of employees. Economic development means jobs. Discussion followed.

Laura Moore, 3900 Prescott Avenue, came forward against raising the Handivan fees.

Don Gill, 3511 Cooper, came forward to say thank you for rescinding the budget cut proposed for the Lincoln Municipal Band.

Monte Froehlich, 6011 S. 72nd Street, came forward to ask that economic development be a priority to the City Council. Discussion followed.

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Jan Karst, 1403 E Street, suggested that one million dollar non-tax generated revenue earmarked for the Parks & Recreation Department could be restored if the smoking ban ordinance would be amended.

ADJOURNMENT 8:26 P.M.

CAMP Moved to adjourn the City Council meeting of August 8, 2005.
 Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
 So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant