

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, AUGUST 7, 2006 AT 4:30 P.M.**

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

Council Chair Newman asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

SVOBODA Having been appointed to read the minutes of the City Council proceedings of July 31, 2006, reported having done so, found same correct.

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

**PUBLIC HEARING**

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER A AND C (LCEA);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER B (ATU);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER E (EXCLUDED);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER F (IAFF);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER M (MANAGEMENT);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER N (NAGE);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER P (LPU);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER X (EXCLUDED);

AMENDING SECTION 2.76.445 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY THE PROCEDURE TO BE FOLLOWED WHEN EMPLOYEE'S BEHAVIOR, IF SUBSTANTIATED, WOULD BE CAUSE FOR DISMISSAL; AND AMENDING SECTION 2.78.025 RELATING TO COMPENSATION PLANS TO CHANGE THE PERFORMANCE EVALUATION SCALE FOR EMPLOYEES IN PAY RANGES PREFIXED BY THE LETTER M;

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION EFFECTIVE AUGUST 24, 2006 - Don Taute, Director of Personnel, came forward to answer questions. Discussion followed.

Les Helms, 5721 Gladstone, President of the Amalgamated Transit Union Local 1293 which represents StarTran bus drivers and mechanics, came forward to answer questions. Discussion followed.

Richard Anderson, Lincoln Police Department Legal Advisor, came forward to discuss M Class.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE COUNTY OF LANCASTER TO CONTRIBUTE EQUALLY THE LOCAL MATCHING PORTION OF THE FEDERAL FUNDS OBLIGATED FOR THE EAST BELTWAY PRELIMINARY DESIGN, CORRIDOR PROTECTION, AND ROW (STATE PROJ. #DPU-55 (156), CONTROL #12848, CITY #542702);

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR FEDERAL FUNDS TO BE OBLIGATED AND USED FOR THE EAST BELTWAY PRELIMINARY DESIGN, CORRIDOR PROTECTION, AND ROW (STATE PROJ. #DPU-55 (156), CONTROL #12848, CITY #542702) - Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer questions. Discussion followed.

Roger Figard, Public Works & Utilities, came forward to answer questions.

Karl Fredrickson, Director of Public Works & Utilities, came forward to answer questions.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **LIQUOR RESOLUTIONS - NONE**

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

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER A AND C (LCEA) - CLERK read an ordinance, introduced by Ken Svoboda, 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," an "C"; and repealing Ordinance No. 18594, passed by the City Council on August 8, 2005, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER B (ATU) - CLERK read an ordinance, introduced by Ken Svoboda, 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. 18592, passed by the City Council on August 8, 2005, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER E (EXCLUDED) - CLERK read an ordinance, introduced by Ken Svoboda, 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. 18590, passed by the City Council on August 8, 2005, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER F (IAFF) - CLERK read an ordinance, introduced by Ken Svoboda, 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. 18591, passed by the City Council on August 8, 2003, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER M (MANAGEMENT) - CLERK read an ordinance, introduced by Ken Svoboda, 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 as amended by Ordinance No. 18674, passed by the City Council on February 6, 2006, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER N (NAGE) - CLERK read an ordinance, introduced by Ken Svoboda, 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. 18588, passed by the City Council on August 8, 2005, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER P (LPU) - CLERK read an ordinance, introduced by Ken Svoboda, 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 Ordinance No. 18593, passed by the City Council on August 8, 2005, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER X (EXCLUDED) - CLERK read an ordinance, introduced by Ken Svoboda, 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. 18589, passed by the City Council on August 8, 2005, the second time.

AMENDING SECTION 2.76.445 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY THE PROCEDURE TO BE FOLLOWED WHEN EMPLOYEE'S BEHAVIOR, IF SUBSTANTIATED, WOULD BE CAUSE FOR DISMISSAL; AND AMENDING SECTION 2.78.025 RELATING TO COMPENSATION PLANS TO CHANGE THE PERFORMANCE EVALUATION SCALE FOR EMPLOYEES IN PAY RANGES PREFIXED BY THE LETTER M - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 2 of the Lincoln Municipal Code by amending Section 2.76.445 within Chapter 2.76, Personnel System, to clarify the procedure to be followed when an employee's behavior, if substantiated, would be cause for dismissal; amending Section 2.78.025 within Chapter 2.78, Management Compensation Plan, to change the Performance Evaluation Scale for employees in pay ranges prefixed by the letter "M"; and repealing Sections 2.76.445 and 2.78.025 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION EFFECTIVE AUGUST 24, 2006 - PRIOR to reading:

COOK Moved to waive the Council Rules for Bill No. 06R-150 to change the order and vote on this date.

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

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

A-83961 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Amalgamated Transit Union, to be effective August 24, 2006, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Ken Svoboda

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

#### RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE COUNTY OF LANCASTER TO CONTRIBUTE EQUALLY THE LOCAL MATCHING PORTION OF THE FEDERAL FUNDS OBLIGATED FOR THE EAST BELTWAY PRELIMINARY DESIGN, CORRIDOR PROTECTION, AND ROW (STATE PROJ. #DPU-55 (156), CONTROL #12848, CITY #542702). (6/26/06 - PUBLIC HEARING & ACTION CONTINUED TO 7/10/06) (7/10/06 - P.H. CON'T. TO 8/7/06) - PRIOR to reading:

SVOBODA Moved to amend Bill No. 06R-121 by accepting the substitute Interlocal Agreement for Project 542702 - East Beltway between the City of Lincoln and Lancaster County.

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 Jon Camp, who moved its adoption:

A-83962 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and Lancaster County to contribute equally the local matching portion of the Federal funds obligated for the East Beltway Preliminary Design, Corridor Protection and ROW as related to the State of Nebraska Department of Roads Project No. DPU-55(156), CN-12848, City Project No.

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542702, 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 Lancaster County.

Introduced by Jon Camp

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR FEDERAL FUNDS TO BE OBLIGATED AND USED FOR THE EAST BELTWAY PRELIMINARY DESIGN, CORRIDOR PROTECTION, AND ROW (STATE PROJ. #DPU-55 (156), CONTROL #12848, CITY #542702). (6/26/06 - PUBLIC HEARING & ACTION CONTINUED TO 7/10/06) (7/10/06 - P.H. CON'T. TO 8/7/06) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83963 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. DPU-55(156), CN-12848, City Project No. 542702 for Federal funding of the East Beltway Preliminary Design, Corridor Protection, and ROW, 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 Ken Svoboda

Seconded by Marvin & 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 DEPARTMENT:

Special Permit No. 2045A - App. of ESP, Inc. for an amendment to expand the boundaries of the special permit on property generally located at NW 56<sup>th</sup> Street and West Partridge Lane.

Change of Zone No. 06046 - App. of ESP, Inc. for a change of zone from AG Agricultural District to R-3 Residential District on property generally located at NW 56<sup>th</sup> Street and West Madison Avenue.

Change of Zone No. 06047 - App. of ESP, Inc. for a change of zone from AG Agricultural District to R-3 Residential District on property generally located at S. 96<sup>th</sup> Place and Old Cheney Road.

SETTING THE HEARING DATE OF MONDAY, AUGUST 21, 2006 AT 1:30 P.M. FOR THE APP. OF SIFU, INC. DBA 2020 CONVENIENCE STOP FOR A CLASS D LIQUOR LICENSE AT 2020 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83964 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 21, 2006, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the application of Sifu, Inc. dba 2020 Convenience Stop for a Class D liquor license located at 2020 O Street.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 21, 2006 AT 1:30 P.M. FOR THE APP. OF HOEKED, LLC DBA THE SIDETRACK TAVERN FOR A CLASS C LIQUOR LICENSE AT 935 O STREET- CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83965 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 21, 2006, 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 the application of Hoeked, LLC dba The Sidetrack Tavern for a Class C liquor license located at 935 O Street.

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

Introduced by Jon Camp

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

#### REPORTS OF CITY OFFICERS

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JUNE 30, 2006 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83966 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended June 30, 2006, \$516,946.59 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 Jon Camp

Seconded by Svoboda & 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, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

LINCOLN AIRPORT AUTHORITY RESOLUTION NO. 472 STATING THAT NO TAX LEVY SHOULD BE MADE FOR AIRPORT PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (54-2)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JULY 31, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

#### ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY AND SHERIDAN LUTHERAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 6955 OLD CHENEY ROAD FOR A PERIOD OF JULY 17, 2006 THROUGH SEPTEMBER 30, 2006 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and Sheridan Lutheran Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 6955 Old Cheney Road, Lincoln, NE for a term beginning July 17, 2006 through September 30, 2006, the first time.

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN SEVERAL FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Jon Camp, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Construction Fund, Sanitary Sewer Construction Fund, Solid Waste Revenue Fund, Street Construction Fund, and Vehicle Tax Fund within the Public Works & Utilities Department, the first time.

AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY AMENDING OR REPEALING SECTIONS WITHIN CHAPTER 5.41, SALVAGING, RECYCLING AND COMPOSTING OPERATIONS, TO DELETE PROVISIONS RELATING TO SALVAGING OPERATIONS AND TO MAKE CHAPTER 5.41 APPLY ONLY TO RECYCLING AND COMPOSTING OPERATIONS; ADDING A NEW CHAPTER 5.43 ENTITLED SALVAGE DEALERS AND SALVAGE COLLECTORS TO ESTABLISH AND RELOCATE PROVISIONS DEALING WITH SALVAGING OPERATIONS PREVIOUSLY FOUND IN CHAPTER 5.41 - CLERK read an ordinance, introduced by Jon Camp, amending Title 5 of the Lincoln Municipal Code relating to Licenses and Regulations by amending Sections 5.41.010, 5.41.020, 5.41.030, 5.41.050, 5.41.060,

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5.41.070, 5.41.160, and 5.41.170 to delete provisions relating to salvaging and recycling operations and thereby making Chapter 5.41, currently entitled Salvaging, Recycling and Composting Operations, apply only to recycling and composting operations and recyclables drop off locations, and repealing Sections 5.41.110, 5.41.120, and 5.41.130 from Chapter 5.41 to relocate the provisions of those sections and to add new sections containing additional provisions in a new Chapter 5.43 entitled Salvage Dealers and Salvage Collectors to establish provisions dealing only with salvaging and recycling operations; and repealing Sections 5.41.010, 5.41.020, 5.41.030, 5.41.050, 5.41.060, 5.41.070, 5.41.160, and 5.41.170 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 06021 - AMENDING SECTIONS 27.69.046 AND 27.69.081 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND I-3 EMPLOYMENT CENTER DISTRICT, RESPECTIVELY, TO DELETE THE REQUIREMENT THAT THE ON-PREMISES GROUND SIGN FOR A FREE-STANDING PAD SITE BUILDING BE LOCATED WITHIN THIRTY FEET OF THE BUILDING - CLERK read an ordinance, introduced by Jon Camp, amending Sections 27.69.046 and 27.69.081 of the Lincoln Municipal Code to relating to signs in the B-2 and I-3 zoning districts, respectively, to delete the requirement that the on-premises ground sign for a free-standing pad site building be located within thirty feet of the building; and repealing Sections 27.69.046 and 27.69.081 of the Lincoln Municipal Code as hitherto existing, the first time.

STREET NAME CHANGE 06003 - RENAMING THAT PORTION OF S.W. 78TH STREET SOUTH OF WEST WALIN LANE AS S.W. 77TH STREET, LOCATED IN MEADOW VIEW 1ST ADDITION - CLERK read an ordinance, introduced by Jon Camp, changing the name of the portion of S.W. 78<sup>th</sup> Street south of West Walin Lane to S.W. 77<sup>th</sup> Street located in Meadow View 1<sup>st</sup> Addition, as recommended by the street Name Committee, the first time.

AMENDING SECTION 9.36.100 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE UNLAWFUL POSSESSION OF FIREARMS BY ADDING CONVICTIONS FOR CRIMES OF ASSAULT, UNLAWFUL INTRUSION, VIOLATION OF CUSTODY, DOMESTIC ASSAULT, FIRST DEGREE CRIMINAL TRESPASS, CONTRIBUTING TO THE DELINQUENCY OF A CHILD, PUBLIC INDECENCY/EXPOSURE, OPERATING A VEHICLE TO AVOID/FLEE ARREST, ANY VIOLATION OF THE NEBRASKA UNIFORM CONTROLLED SUBSTANCES ACT, UNLAWFUL USE OF TOXIC COMPOUNDS, AND MORE THAN TWO CONVICTIONS FOR DWI AND/OR REFUSAL TO SUBMIT TO A CHEMICAL TEST, TO THE PRE-EXISTING LIST OF NAMED OFFENSES, CONVICTION OF WHICH PRECLUDE POSSESSION OF ANY FIREARM - CLERK read an ordinance, introduced by Jon Camp, amending Section 9.36.100 of the Lincoln Municipal Code relating to the unlawful possession of firearms by adding convictions for crimes of assault, unlawful intrusion, violation of custody, domestic assault, first degrees criminal trespass, contributing to the delinquency of a child, public indecency/exposure, operating a vehicle to avoid/flee arrest, any violation of the Nebraska Uniform Controlled Substances Act, unlawful use of toxic compounds, and more than two convictions for DWI and/or refusal to submit to a chemical test, to the pre-existing list of named offenses, conviction of which preclude possession of any firearm; and repealing Section 9.36.100 of the Lincoln Municipal code as hitherto existing, the first time.

AMENDING CHAPTER 9.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO WEAPONS BY ADDING A NEW SECTION NUMBERED 9.36.130 TO MAKE IT UNLAWFUL TO POSSESS FIREARMS OR DANGEROUS WEAPONS IN CITY AND/OR COUNTY FACILITIES - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 9.36 of the Lincoln Municipal Code relating to Weapons by adding a new section numbered 9.36.130 to make it unlawful to possess firearms or dangerous weapons in city and/or county facilities, the first time.

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

AMENDING SECTION 14.20.020 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE APPLICATION FEE FOR THE VACATION OF PUBLIC WAYS. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146) (7/31/06 - Tie Vote, carries over to 8/7/06) - CLERK read an ordinance, introduced by Dan Marvin, amending Section 14.20.020 of the Lincoln Municipal Code relating to the vacation of public ways to increase the application fee for such a vacation request

from \$125.00 to \$250.00; and repealing Section 14.20.020 of the Lincoln Municipal Code as hitherto existing, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, having **LOST**, was assigned the File #38-4535 & was placed on file in the Office of the City Clerk.

AMENDING SECTIONS 10.16.030 AND 10.16.040 OF THE LINCOLN MUNICIPAL CODE BY MAKING ADDITIONAL AMENDMENTS TO THE PENALTY PROVISIONS FOR DRIVING UNDER THE INFLUENCE AND REFUSAL TO SUBMIT TO ALCOHOL TESTING TO CONFORM WITH PENALTIES PROSCRIBED BY STATE STATUTES AS REQUIRED BY LAW - CLERK read an ordinance, introduced by Annette McRoy, amending Sections 10.16.030 and 10.16.040 of the Lincoln Municipal Code by amending penalty provisions for driving under the influence and refusal to submit to alcohol testing to conform with changes made in state statutes as required by law; repealing Sections 10.16.030 and 10.16.040 of the Lincoln Municipal Code as hitherto existing; and declaring an emergency, the third time.

MCROY 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 #18779, is recorded in Ordinance Book #25, Page

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to August 14, 2006.

Seconded by Svoboda & 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 14, 2006.

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

**ADJOURNMENT 5:09 P.M.**

**RECONVENED 5:09 P.M.**

**ONE AND SIX YEAR STREETS & HIGHWAY PUBLIC HEARING**

Chairperson Newman: 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 7<sup>th</sup>, 2006, the time is 5:09 p.m. A recording of the hearing and proceeding is being made. Present and conducting this hearing are City Council Members: Jonathan Cook, Annette McRoy, Jon Camp, Dan Marvin, Robin Eschliman, Ken Svoboda and myself, Patte Newman, 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 2007. The second through sixth year (FY 2008-2012) program lists those projects which are in some 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 23, 2006. Also, this notice was placed on

the City's Website starting on July 3, 2006, 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 17th, 2006 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.

Roger Figard, with the Public Works & Utilities/Engineering Services: As stated earlier by Council Chairperson Patte Newman, this public hearing is held each year 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. This program is administered by the State Board of Public Roads, Classifications and Standards. For the City of Lincoln purposes, we use our Capital Improvement Program to generate the Transportation Improvement Program which is acknowledged and accepted by the Federal Highway Administration and also then the State of Nebraska in producing a One and Six Year Street and Highway Program. So the One and Six Program is an identical document of funding and projects as the City of Lincoln's Capital Improvement Program. The proposed One and Six Year Streets and Highways Program and the Capital Improvement Program for Fiscal Years 2007 through 2012 reflect an average annual expenditure of almost 31.8 million dollars. This annual expenditure is comprised of \$16.8 million of City Revenues, \$10.5 Million in Federal Aid and \$4.5 Million in Other Funds (Includes State/Federal, Train Mile Tax, and Railroad Transportation Safety District). Over the six years we also have \$8.5 million listed as 'unknown'.

The one year program for fiscal year 2007 lists projects proposed for final design, right-of-way acquisition, construction or engineering study. These projects include:

- (12) Antelope Valley Phase 1 Project - Big "T"
- (13) Antelope Valley Phase 2 Project - Channel Wall
- (14) Antelope Valley Phase 3 Project - Channel Wall
- (15) Antelope Valley Phase 1 Project - Planning/Coordination
- (16) Antelope Valley Phase 1 Project - Planning/Design
- (17) Antelope Valley Phase 1 Project - "P" and "Q" Street Bridges.
- (18) Antelope Valley Phase 1 Project - "N" Street Bridge.
- (19) Antelope Valley Phase 1 Project - "O" Street Bridge and Road.
- (20) Antelope Valley Phase 1 Project - "East Leg" of the Big "X"
- (21) Antelope Valley Phase 1 Project - "J" Street Bridge.
- (22) Antelope Valley Phase 1 Project - South Street Bridge.
- (23) Antelope Valley Phase 1 Project - North/south Road, "K" Street to North of "Q" Street.
- (24) Antelope Valley Phase 1 Project - North/south Road, North of "Q" Street to "Y" Street.
- (25) East "O" Street from 42nd to 52nd Streets
- (26) Harris Overpass Replacement
- (27) South Beltway
- (28) East Beltway
- (29) SW 40th Viaduct
- (30) Adams and NW 12th Street Bridge Repair
- (31) 48th Street and Huntington Avenue

The one year program also includes projects which continue thru the entire six year program: 'Intelligent Transportation Infrastructure Improvements, Traffic Optimization, and Management'; 'Miscellaneous, Emergency and Safety Projects and Operational Improvements'; 'Modify, Replace, or Install Traffic Signal Equipment and Communication Links'; 'Studies, Preliminary Engineering and Right-Of-Way Acquisition'; 'Upgrade Built Environment and Traffic Calming'; 'City Subsidy for Repaving, Paving Districts and Federal Aid Projects'; 'Landscaping in Connection with Street Improvement Projects'; 'Misc. Engineering, Construction and Computer Records'; 'Sidewalk Maintenance and Repair'; 'Arterial/residential Rehabilitation and Intersection Projects'.

The second through sixth year program (Fiscal Years 2008-2012) identifies projects that are in some phase of development or will enter the street planning process. These projects include:

- (13) Antelope Valley Phase 2 Project - Channel Wall
- (14) Antelope Valley Phase 3 Project - Channel Wall
- (15) Antelope Valley Phase 1 Project - Planning/Coordination
- (17) Antelope Valley Phase 1 Project - "P" and "Q" Street Bridges.
- (18) Antelope Valley Phase 1 Project - "N" Street Bridge.
- (19) Antelope Valley Phase 1 Project - "O" Street Bridge and Road.
- (20) Antelope Valley Phase 1 Project - "East Leg" of the Big "X"
- (21) Antelope Valley Phase 1 Project - "J" Street Bridge.
- (22) Antelope Valley Phase 1 Project - South Street Bridge.
- (23) Antelope Valley Phase 1 Project - North/south Road, "K" Street to North of "Q" Street.
- (24) Antelope Valley Phase 1 Project - North/south Road, North of "Q" Street to "Y" Street.
- (26) Harris Overpass Replacement
- (27) South Beltway Project
- (28) East Beltway
- (29) SW 40th Viaduct Project
- (32) 48th Street and Madison Avenue

This FY 2007 thru 2012 Streets and Highways Program, which is also the C. I. P. and the T. I. P., was earlier voted on by the Planning Commission on June 7th, 2006. After Council approval of the Capital Improvement Program, the Capital Budget, with or without revisions, Public Works & Utilities/Engineering Services will produce a separate document called the One and Six Highway Program. That document is required to be submitted to the State of Nebraska for approval in concurrence with the Feds by March of each year. Typically we have that document submitted in September or October and approved later that year. In general are there staff comments or questions? Discussion followed.

Chairperson Newman: Are there any questions of staff? Any questions of Roger or other staff on this? If not, the second part of this public hearing is taking place, any 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.

Rick Krueger, 8200 Cody Lane, came forward to comment on the CIP regarding streets and requested that a portion of the wheel tax dollars collected over the past years for new construction only be used for new construction. He also requested that asphalt be applied on Yankee Hill Road between 40<sup>th</sup> & 56<sup>th</sup> Streets.

Bruce Bohrer, 1135 M Street, came forward representing the Lincoln Chamber of Commerce, to speak on their infrastructure financing and CIP recommendations agreeing that the street and road construction budget is a very important element to the economic development effort. He requested support on their organization's ideas for near and long term solutions.

Peter Katt, 1045 Lincoln Mall, came forward to comment that the City should spend money on building roads and not spend street dollars on politicking them to the public for other purposes.

Chairperson Newman: Is there anyone else who would like to make a statement on this program? Do any of the Council members wish to comment? If there are no other comments-- I will make some concluding remarks. Let me remind you that statements or exhibits received on or before August 17th, 2006 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 City Council resolution adopting the C.I.P. budget. It is now 5:31 p.m., and the public hearing is closed.

City Clerk: I have one thing I was asked to announce, we have a letter signed by the County Commissioners. A letter to the City Council Members regarding the economic development positions just briefly to state that in 2002 the County signed an Interlocal Agreement with the City and Lincoln Electric System for an Administrative Assistant to the Mayor for Economic Development under County Contract #C02-0092 and this will be made a part of the record.

2006-2007 MAYOR'S RECOMMENDED ANNUAL OPERATING BUDGET  
& CAPITAL IMPROVEMENT PROGRAM 2006/07 - 2011/12

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 in the tax base above the 2.5% if any, 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 3.25% 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 2005-06 budget to future fiscal years. This unused restricted fund authority is estimated at up to \$10,000,000 but depends upon 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 forms. And now the City Budget Officer will make comments.

Steve Hubka, City Budget Officer: I would like to say a few things to kick off the public hearing to summarize what we are doing tonight is taking public testimony on the Mayor's proposed budget as well as proposed changes the City Council made on a preliminary basis. The Mayor's budget keeps the projected tax rate the same which was largely necessary because of very flat sales tax collections. About eight full-time equivalent positions were eliminated in the Mayor's budget - about half of these are seasonal positions, the others mostly are fractional portions of classified positions. The Mayor's budget increased spending by only \$89,000 or .07% of an increase. Adjusted for the impact of not having a 27<sup>th</sup> pay period in 2006-2007, the increase in the budget is 2.2%. Preliminary Council reductions to the tax funded budget are about 1.1 million with \$245,000 added back for possible use to enhance economic development efforts. Council proposed changes eliminate about another 10 full-time equivalent positions. With that, I'd like to point out as you probably recognizing by now that City employees are well represented at tonight's public hearing. I think it's obvious they have some concerns about some recent events and recent discussions. Because some of the preliminary budget cuts from July 19<sup>th</sup> seem to have been personal in nature, some employees have expressed to me a reluctance to speak because of the fear of retaliation by bringing attention to themselves or their department. Anything the Council might be willing to say prior to or during the testimony that could ease their fears, I might encourage some people to come forward and provide you the input you need to help finalize the budget. Discussion followed.

Steve Masters, Public Works & Utilities Administrator: I have been asked to provide an outline of where we are with the Southwest Wastewater Facility. Some of you may recall we started a public process and announced a public process that we were trying to match and be in step with the update of the Comp Plan. In that process there have been a number of issues that have been raised and we are now somewhat separating that public process from the Comp Plan process perhaps. Our intent is to have a report generated by our consulting engineers reflecting some of the things that have come up through that process, one of which has been the request that we provide a form of economic evaluation of locating a facility in southwest Lincoln. Our intent is to have that report available by mid-September. We'd like to point out that the reason we're looking at a facility, perhaps a treatment facility in southwest Lincoln, at some point in the future, is that the trunk sewer facilities that are under construction now are designed to serve the tier one development in south and southwest Lincoln. Additional facilities are needed for the community to grow into the tier two area. For that reason we have placed a project in Year One of the proposed CIP that would allow us to purchase an option on the property within

southwest Lincoln. Our intent as we follow that process along is to bring it through for a public hearing with the Planning Commission and the City Council. In summary that is our intent.

Jeff Stump, 615 Eldora Lane, President of NAGE Union, came forward commenting about the importance of the trust relationship between the City and an employee with a signed contract and a defined benefit.

Robyn Cruse-Miller, 3700 Garfield St., Vice President of LCEA, came forward in support of the Mayor's recommended budget and stated that the Council changes and cuts to the budget will have a negative impact on the community. Discussion followed.

Rodrigo Cantarero, 3741 Stockwell Circle, came forward representing the Lancaster County Board of Health Dept., stating concerns that cutting the budget will have a negative impact on critical issues relating to public health.

Gary Meier, 3127 N. 13<sup>th</sup> St., President of the Lincoln City Employees Association, stated that the City employee labor force provides a high level of quality service to its citizens and feels budget cuts will negatively impact the quality of life we've all come to enjoy.

Les Helms, 5721 Gladstone, President of ATU, commented that all his co-presidents are open and willing to be contacted by the Council for any help. Discussion followed.

Mary Bills Strand, 2149 Stone Creek Loop South, stated she is opposed to cuts in Urban Development. She stated that to keep property taxes from rising, budget cuts need to be made in the retirement and benefit packages but not used in departments to target and intimidate employees. Discussion followed.

Lois Haupt, 4212 Knox St., came forward expressing opposition to staff cuts in Urban Development as this would cut services to the City and its Neighborhoods.

Gordon Scholz, 302 Arch. Hall, Director of Community and Regional Planning Graduate Program at UNL, came forward in opposition to staff cuts in the departments of Urban Development, Planning, and Public Works & Utilities.

Jean Chicoine, 629 S. 27<sup>th</sup> St., came forward in opposition to Urban Development staff cuts.

Diane Winch, 15445 N. D St., Roca, came forward questioning if a Council member can remain objective if serving on the LIBA Board of Directors. Discussion followed.

Teri Hubka, 4210 Paxton Circle, came forward in favor of the Mayor's budget as it preserves jobs.

George Venhaus, 3200 Touzalin Ave., came forward for comment on various issues.

Beth Thalker, 5300 Lowell Ave., came forward in support of the Mayor's budget to ensure Parks & Recreation is given funding for rehabilitation and replacement.

Ross Greathouse, 29 Bishop Square, Board member of Great Plains Trails Network, and President of the Nebraska Trails Council stating Lincoln is a great city that must be maintained. Discussion followed.

Neal Thomas, 4435 East Eden, Pedestrian and Bicycle Advisory Committee Chair, came forward with concerns that funding continue to Parks & Recreation facilities.

Curt Donaldson, 2860 R Street, came forward in support of the Mayor's budget. Discussion followed.

Lonnie Burklund, 4720 Starling Dr., came forward representing the Lincoln/Omaha/Council Bluffs Area Transportation Engineers Locate Chapter in opposition to the elimination of the Traffic Engineer position as it is an important position.

Danielle Nantkes, 3179 R Street, came forward representing the Community Development Task Force, in opposition to staff cuts in Urban Department.

**TOOK BREAK 7:00 P.M.**

**RECONVENED 7:10 P.M.**

Dan B. Lutz, 3915 Apple Street, came forward in opposition to the proposed southwest wastewater treatment plant.

Bruce Bohrer, 1135 M Street, came forward representing the Lincoln Chamber of Commerce, suggesting options in providing good government. Discussion followed.

Richard Meginnis, 2720 Katy Circle, came forward to commend the efforts of the City Council.

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Coby Mach, Director of LIBA, came forward to offer recommendations to the budget. Discussion followed.

Dan Thiele, 301 S. 13<sup>th</sup> St., Suite 101, came forward representing the Professional Engineers Coalition, in opposition to the elimination of the Traffic Engineer position. He stated for the record that he represents primarily consulting engineers in private practice who are very much in favor of privatization.

Mary Roseberry-Brown, 1423 F Street, Friends of Wilderness Park President, came forward in opposition to the proposed 3rd wastewater treatment facility. Discussion followed.

Steve Larrick, 920 S. 8<sup>th</sup> St., came forward in opposition to the proposed 3rd wastewater treatment facility.

Janine Copple, 920 S. 8<sup>th</sup> St., came forward in opposition to the proposed 3rd wastewater treatment facility.

Peter Dowben, 12251 Bobwhite Trail, Chair Professor of Physics at UNL came forward in opposition to the 3rd wastewater treatment facility. Discussion followed.

Rick Haden, 3300 S. 29<sup>th</sup> St., came forward in opposition to the elimination of the Traffic Engineer position.

Jackie Barnhardt, 1010 Sumner, came forward in opposition to the proposed 3rd wastewater treatment facility.

Lynn Darling, 2601 SW 23<sup>rd</sup> Street, came forward in opposition to the proposed 3rd wastewater treatment facility.

Cindy Jeffrey, 7524 S. 37<sup>th</sup> Street, came forward representing the Forestry Advisory Board stating concerns that budget cuts will eliminate necessary maintenance of the City's tree infrastructure.

Russell Miller, 341 S. 52<sup>nd</sup> Street, came forward requesting a tax increase to add to the police force. Discussion followed.

Carol Smith, 4111 S. 33<sup>rd</sup> St., came forward commending the City on its traffic round-about intersections but in opposition to the proposed 3rd wastewater treatment facility.

Dan Navratil, 8009 Grand Oaks Dr., Principal of Roper Elementary School, came forward commenting on the widening of West Coddington from 2 to 4 lane. Discussion followed.

Lynn E. Moorner, 404 S. 27<sup>th</sup>, came forward in opposition to the proposed 3rd wastewater treatment facility. Discussion followed.

Karin Kotschwar, 833 Surfside Circle, came forward representing the Lincoln Neighborhood Alliance, requesting that the Council avoid any cuts that affect neighborhoods. Discussion followed.

Allen Lee, 2501 Nottingham, came forward in opposition to the elimination of the Traffic Engineer position.

Richard Esquivel, 733 W. Cuming, came forward to comment on various issues and to encourage local small businesses.

Dave Dingman, 3121 "W" Street, came forward in opposition to the proposed 3rd wastewater treatment facility. Discussion followed.

Glen Cekal, 1420 "C" Street, came forward to comment that the Council should encourage ideas with quality leadership.

Mike Morosin, 2055 "S" Street, came forward to comment about the Economic Loan Committee policies. Discussion followed.

Mr. Masters came forward to answer questions. Discussion followed.

Lynn Johnson, Director of Parks & Recreation, came forward to state correctly that funding in his department is going up .9%.

Steve Hubka, Budget Officer, came forward with final comments. Discussion followed.

**ADJOURNMENT 9:30 P.M.**

CAMP Moved to adjourn the City Council meeting of August 7, 2006.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk, CMC

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Sandy L. Dubas, Senior Office Assistant