

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, AUGUST 20, 2007 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Marvin; Council Members: Camp, Cook, Emery, Eschliman, Spatz, Svoboda; City Clerk, Joan E. Ross.

Council Chair Marvin 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 August 13, 2007 reported having done so, found same correct.

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

**PUBLIC HEARING**

CHANGE OF ZONE 07040HP - APPLICATION OF HAVELOCK BUSINESS ASSOCIATION FOR A LANDMARK DISTRICT DESIGNATION FOR THE HAVELOCK AVENUE LANDMARK DISTRICT ON PROPERTIES FROM 6024 HAVELOCK AVENUE TO 6262 HAVELOCK AVENUE AND FROM 6033 HAVELOCK AVENUE TO 6245 HAVELOCK AVENUE - Ed Zimmer, Historic Preservation Planning Department, came forward to present history on the properties. Discussion followed.

Glen Witte, Attorney, 6120 Havelock Ave. #C, came forward in support.

This matter was taken under advisement.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY AMENDING SECTION 8.06.145 TO INCREASE THE FEE FOR OPEN BURNING PERMITS; AMENDING SECTION 8.08.060 TO INCREASE PERMIT FEES FOR BODY ART ESTABLISHMENTS; AMENDING SECTION 8.08.090 TO INCREASE THE LATE FEE FOR BODY ART ESTABLISHMENT PERMITS; AMENDING SECTION 8.08.150 TO INCREASE THE INITIAL PERMIT FEE FOR A BODY ART PRACTITIONER; AMENDING SECTION 8.08.350 TO INCREASE THE FEE FOR REINSTATEMENT OF A SUSPENDED PERMIT FOR BODY ART ESTABLISHMENTS OR PRACTITIONERS; AMENDING SECTION 8.12.035 TO INCREASE THE INITIAL AND RENEWAL PERMIT FEES FOR SMALL FAMILY CHILD CARE HOMES; AMENDING SECTION 8.14.037 TO INCREASE THE FEES RELATED TO CHILD CARE PROGRAMS; AMENDING SECTION 8.20.150 TO INCREASE FOOD ESTABLISHMENT PERMIT FEES; AMENDING SECTION 8.20.160 TO INCREASE LATE FEES FOR FOOD ESTABLISHMENT PERMITS; AMENDING SECTION 8.20.170 TO INCREASE THE FEE FOR REINSTATING A SUSPENDED FOOD ESTABLISHMENT PERMIT; AMENDING SECTION 8.24.150 TO INCREASE THE PERMIT FEE FOR VARIANCES TO THE NOISE CONTROL ORDINANCE; AMENDING SECTION 8.38.090 TO INCREASE THE PERMIT FEE FOR CLASS A OR CLASS B SWIMMING POOLS; AMENDING SECTION 8.40.070 TO INCREASE THE PERMIT FEE FOR SPACE FACILITIES; AND AMENDING SECTION 8.44.070 TO INCREASE THE PERMIT FEES RELATING TO WATER WELLS; AMENDING CHAPTER 5.41 OF THE LINCOLN MUNICIPAL CODE RELATING TO SALVAGING, RECYCLING AND COMPOSTING OPERATIONS BY AMENDING SECTION 5.41.050 TO INCREASE PERMIT FEES; AMENDING SECTION 5.41.060 TO INCREASE THE OCCUPATION TAX FOR SALVAGE OPERATIONS AND COMMERCIAL COMPOSTING OPERATIONS; AND AMENDING SECTION 5.41.070 TO INCREASE THE OCCUPATION TAX LATE FEE;

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE, PLUMBING AND SEWERS, BY AMENDING SECTION 24.38.070 TO INCREASE PERMIT FEES RELATING TO ON-SITE WASTEWATER TREATMENT SYSTEMS; AND AMENDING SECTION 24.42.110 TO INCREASE THE FEE FOR EVALUATION AND REVIEW OF PROPERTY TRANSFER INSPECTOR REPORTS AND ANY NECESSARY SITE VISITS BY THE HEALTH DIRECTOR - Scott Holmes, Health Department Environmental Public Health Division Manager, came forward to discuss fee increases and answer questions.

This matter was taken under advisement.

ADOPTING THE 2007/08 CITY OF LINCOLN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FY 2007/08 - 2012/13 - Jan Gauger, 1404 N. 40<sup>th</sup> St., came forward to speak on behalf of the Women's Commission. Discussion followed.

This matter was taken under advisement.

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FISCAL YEAR 2007-2008 THROUGH FISCAL YEAR 2012-2013;

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FISCAL YEAR 2007-2008 THROUGH FISCAL YEAR 2012-2013 - Margaret Remmenga, Public Works & Utilities Department Business Manager, came forward to discuss use charge increases and answer questions. Discussion followed.

Steve Masters, Public Works & Utilities Administrator, came

forward to give a slide show report and answer questions. Discussion followed.

Mike Eckert, Civil Design Group, representing Schleich Management Companies, came forward in support of rate increases.

Richard Esquivel, 733 W. Cuming, came forward to comment and ask questions on fees and infrastructure.

Mr. Masters came forward to answer questions.

This matter was taken under advisement.

AMENDING THE LINCOLN LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS AND STANDARDS BY AMENDING ARTICLE 1, SECTION 6, TO INCREASE THE FEES FOR ASBESTOS PROJECT NOTIFICATIONS AND BY AMENDING ARTICLE 2, SECTION 30, TO INCREASE THE CHARGE FOR ENGINEERING REVIEWS OF AIR POLLUTION CONTROL CONSTRUCTION PERMITS;

AMENDING THE LINCOLN LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS AND STANDARDS TO INCREASE THE FEES FOR SPECIAL WASTE PERMITS - Scott Holmes, Health Department Environmental Public Health Division Manager, came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF HAMILTON COLLEGE - LINCOLN TO USE THE PUBLIC RIGHT-OF-WAY TO INSTALL AN OVERHEAD FIBER OPTIC LINE ACROSS THE ALLEY BETWEEN PROPERTIES AT 1821 K STREET AND 1800 J STREET - Jami Frazier, 1821 K St., came forward to answer questions.

This matter was taken under advisement.

APPROVING THE APPOINTMENT OF LEIRION GAYLOR BAIRD TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING SEPTEMBER 18, 2013;

APPROVING THE APPOINTMENT OF WENDY J. FRANCIS TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 31, 2013;

APPROVING THE APPOINTMENT OF ROBERT R. MOLINE TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 31, 2013 - Denise K. Pearce, Administrative Assistant to the Mayor, came forward stating that the three candidates would be available to appear for questioning at the September 24, 2007 Council Meeting.

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)**

CHANGE OF ZONE 07038 - APPLICATION OF RON BILOFF ON BEHALF OF HARRIETT BILOFF FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 47TH STREET AND LOWELL AVE. - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning 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.

CHANGE OF ZONE 07040HP - APPLICATION OF HAVELOCK BUSINESS ASSOCIATION FOR A LANDMARK DISTRICT DESIGNATION FOR THE HAVELOCK AVENUE LANDMARK DISTRICT ON PROPERTIES FROM 6024 HAVELOCK AVENUE TO 6262 HAVELOCK AVENUE AND FROM 6033 HAVELOCK AVENUE TO 6245 HAVELOCK AVENUE - CLERK read an ordinance, introduced by Ken Svoboda, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code by designating a certain area as the Havelock Avenue Landmark District, the second time.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY AMENDING SECTION 8.06.145 TO INCREASE THE FEE FOR OPEN BURNING PERMITS; AMENDING SECTION 8.08.060 TO INCREASE PERMIT FEES FOR BODY ART ESTABLISHMENTS; AMENDING SECTION 8.08.090 TO INCREASE THE LATE FEE FOR BODY ART ESTABLISHMENT PERMITS; AMENDING SECTION 8.08.150 TO INCREASE THE INITIAL PERMIT FEE FOR A BODY ART PRACTITIONER; AMENDING SECTION 8.08.350 TO INCREASE THE FEE FOR REINSTATEMENT OF A SUSPENDED PERMIT FOR BODY ART ESTABLISHMENTS OR PRACTITIONERS; AMENDING SECTION 8.12.035 TO INCREASE THE INITIAL AND RENEWAL PERMIT FEES FOR SMALL FAMILY CHILD CARE HOMES; AMENDING SECTION 8.14.037 TO INCREASE THE FEES

RELATED TO CHILD CARE PROGRAMS; AMENDING SECTION 8.20.150 TO INCREASE FOOD ESTABLISHMENT PERMIT FEES; AMENDING SECTION 8.20.160 TO INCREASE LATE FEES FOR FOOD ESTABLISHMENT PERMITS; AMENDING SECTION 8.20.170 TO INCREASE THE FEE FOR REINSTATING A SUSPENDED FOOD ESTABLISHMENT PERMIT; AMENDING SECTION 8.24.150 TO INCREASE THE PERMIT FEE FOR VARIANCES TO THE NOISE CONTROL ORDINANCE; AMENDING SECTION 8.38.090 TO INCREASE THE PERMIT FEE FOR CLASS A OR CLASS B SWIMMING POOLS; AMENDING SECTION 8.40.070 TO INCREASE THE PERMIT FEE FOR SPACE FACILITIES; AND AMENDING SECTION 8.44.070 TO INCREASE THE PERMIT FEES RELATING TO WATER WELLS - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by amending Sections 8.06.145, 8.08.060, 8.08.090, 8.08.150, 8.08.350, 8.12.035, 8.14.037, 8.20.150, 8.20.160, 8.20.170, 8.24.150, 8.38.090, 8.040.070, 8.44.070, and repealing Sections 8.06.145, 8.08.060, 8.08.090, 8.08.150, 8.08.350, 8.12.035, 8.14.037, 8.20.150, 8.20.160, 8.20.170, 8.24.150, 8.38.090, 8.040.070, 8.44.070, the second time.

AMENDING CHAPTER 5.41 OF THE LINCOLN MUNICIPAL CODE RELATING TO SALVAGING, RECYCLING AND COMPOSTING OPERATIONS BY AMENDING SECTION 5.41.050 TO INCREASE PERMIT FEES; AMENDING SECTION 5.41.060 TO INCREASE THE OCCUPATION TAX FOR SALVAGE OPERATIONS AND COMMERCIAL COMPOSING OPERATIONS; AND AMENDING SECTION 5.41.070 TO INCREASE THE OCCUPATION TAX LATE FEE - CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 5.41 of the Lincoln Municipal Code relating to Salvaging, Recycling, and Composting Operations by amending Section 5.41.050 to increase permit fees; amending Section 5.41.060 to increase the occupations tax for salvage operations and commercial composing operations; amending Section 5.41.070 to increase the occupation tax late fee; and repealing Sections 5.41.050, 5.41.060, and 5.41.070 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE, PLUMBING AND SEWERS, BY AMENDING SECTION 24.38.070 TO INCREASE PERMIT FEES RELATING TO ON-SITE WASTEWATER TREATMENT SYSTEMS; AND AMENDING SECTION 24.42.110 TO INCREASE THE FEE FOR EVALUATION AND REVIEW OF PROPERTY TRANSFER INSPECTOR REPORTS AND ANY NECESSARY SITE VISITS BY THE HEALTH DIRECTOR - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 24 of the Lincoln Municipal Code, Plumbing and Sewers, by amending Section 24.38.070 to increase permit fees relating to on-site wastewater treatment systems; amending Section 24.42.110 to increase the fee for evaluation and review of Property Transfer Inspector reports and any necessary site visits by the Health Director; and repealing Sections 24.38.070 and 24.42.110 of the Lincoln Municipal Code as hitherto existing, the second time.

#### PUBLIC HEARING RESOLUTIONS

ADOPTING THE 2007/08 CITY OF LINCOLN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FY 2007/08 - 2012/13 - PRIOR to reading:

CAMP Moved to introduce.

SPATZ Seconded.

CAMP Moved to amend Bill No. 07R-148 to delete on Page 2, Item 4. Seconded by Svoboda & **LOST** by the following vote: AYES: None; NAYS: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda.

COOK Moved to accept the Substitute Resolution to Bill No. 07R-148. Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

EMERY Moved to amend Bill No. 07R-148 in the following manner:

(a) Delete \$74,000 from the Contingency Fund (18001) to be used for the retention of the Women's Commission (02013).

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

COOK Moved to amend Bill No. 07R-148 to reinstate \$100,000 to the Lincoln Fire Department from the Contingency Fund.

EMERY Seconded.

COOK Expressed his thoughts and concerns in support of the Lincoln Fire Department and stated that Mr. Camp wants to cut Fire personnel.

CAMP Responded to Council Member Cook stating that for the record: "I'm tired of your tirades and if you don't cease with this I am going to ask my colleagues to censure you."

The Amendment **LOST** by the following vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Eschliman, Spatz, Svoboda.

CLERK Read the following Substitute Resolution, introduced by Jonathan Cook, who moved its adoption:

A-84483 WHEREAS, under the provisions of Section 25 and 25a of Article IX of the Charter of the City of Lincoln, the proposed annual budget for the City of Lincoln was submitted on July 9, 2007; and

WHEREAS, under the provisions of Section 26 of Article IX of the City Charter, a public hearing on the proposed budget was held on August

6, 2007 notice thereof having been published in one issue of the Lincoln Journal Star, a newspaper of general circulation in the City, more than five days before such hearing; and

WHEREAS, all necessary changes have been made as to revenue estimates and appropriation items.

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

1. That pursuant to the provisions of Article IX of the Charter of the City of Lincoln, the budget for the fiscal year beginning September 1, 2007, a copy of which is hereto attached and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and the several sums therein set forth to be raised by the levy of a tax upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, the estimated balances on hand, the miscellaneous receipts and all other funds and receipts are hereby appropriated for the several purposes therein stated. That all money received in any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

2. That the City Council, by adoption of the Capital Improvement Program on Schedule 5 of this resolution, hereby authorizes the acquisition of all necessary right-of-way, easements, or other interest in land, by purchase if possible, by condemnation if necessary, for those projects included within the first year of said Capital Improvement Program.

3. Pursuant to Section 2 of L.B. 989 passed by the Second Session of the Ninety-Fifth Legislature, the City is authorized to increase budgeted restricted funds by the basic allowable growth percentage of the base (2.5%) and allowable growth due to 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 above 2.5% expressed in dollars and to utilize other lid exemptions authorized in L.B. 989. Such increase is hereby authorized to the extent necessary to generate the revenues to fund the budget, and any unused restricted funds authority is hereby authorized to be carried forward to future budget years.

4. Upon affirmative vote by more than 75% of the City Council restricted funds for Fiscal Year 2007-08 shall be increased by an additional one percent (1%) as provided by Neb. Rev. Stat. Section 13-519.

5. Pursuant to the agreement for the provision of services related to the emergency medical care system in Lincoln, Nebraska, the annual budget for Emergency Medical Services, Inc. a copy of which is attached hereto, labeled Schedule 6, is hereby approved.

6. There is hereby appropriated all money now credited or which will be credited to any Internal Service Fund, Pension Trust Fund, Permanent Fund, Agency Fund and Enterprise Fund, now or heretofore created, notwithstanding any sum limitations set forth in the budget attached hereto.

7. There is hereby appropriated all money now credited or which will be credited to the following Special Revenue Funds notwithstanding any sum limitation set forth in the budget attached hereto: Parks and Recreation Special Projects Fund, Com. On Aging Gift Trust Fund, Charles Gere Library Fund, Lillian Polley Trust, Aviation Promotion Fund as provided in Neb. Rev. Stat. Section 3-504.02 (1991), Building and Safety Fund, Cable Access Television Fund, Disaster Recovery Fund, Impact Fees Fund, Property Tax Refund Fund, Social Security Fund, Snow Removal Fund, Title V Clean Air Fund, Unemployment Compensation Fund, Advance Acquisition Fund as provide in Article IXB, Section 12 of the City Charter, 911 Communication Fund, Tax Sale Revolving Fund

8. There is hereby appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest earned thereon, notwithstanding any sum limitations set forth in the budget attached hereto.

9. There is hereby appropriated all money received from the interest income on the investments of all authorized bond issue proceeds including bond anticipation notes for the purposes for which said bonds and notes have been authorized to be issued, notwithstanding any sum limitations set forth in the budget attached hereto.

10. There is hereby appropriated all money now credited or which will be credited to the Vehicle Tax Construction Fund created by Section 3.20.220 of the L.M.C. (Vehicle Tax for street improvements) notwithstanding any sum limitation set forth in the budget attached hereto.

11. All receipts for on street parking meter collections are pledged toward the payment of bonds assigned for payment from the

Parking Revenue Fund. Parking meter receipts in excess of those required to meet provisions of the bond covenants shall be credited to the General Fund up to the amounts budgeted.

12. There is hereby appropriated all money now credited or which will be credited to the Parking Lot Revolving Fund to be used for designing, acquiring, constructing, maintaining, repairing, regulating, supervising and policing of City owned parking lots and facilities in accordance with L.M.C. Chapter 10.34 and Chapter 10.36, notwithstanding any sum limitations set forth in the budget attached hereto.

13. There is hereby appropriated to the Street Construction Fund all monies received as the City's share of the Highway Allocation Fund and the Grade Crossing Protection Fund, together with any other Federal, State, and County funds, received for street construction purposes, any reimbursements and matching funds, including Federal Road Funds, all of which monies are hereby appropriated and reappropriated for all purposes as authorized by State laws pertaining to such funds, notwithstanding any sum limitations set forth in the budget attached hereto.

14. There is hereby appropriated in the Special Assessment Revolving Fund all monies in said fund for expenditures as authorized by Article VIII of the City Charter, Section 10a and all money received to the credit of the Special Assessment Revolving Fund including bond proceeds, grants, donations, special assessment collections, and City participation deemed necessary by the City Council, notwithstanding any sum limitations set forth in the budget attached hereto.

15. There is hereby appropriated all money now credited or which will be credited to the Arbitrage Rebate Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

16. There is hereby appropriated KENO proceeds for mandated payments, and 1% for administrative fees.

17. There is hereby appropriated all monies now credited or which will be credited to the Community Improvement Financing Fund and all Tax Allocation Bond Debt Service funds, notwithstanding any sum limitations set forth in the budget attached hereto.

18. There is hereby levied upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, upon each one hundred dollars of approximate market value thereof, taxes in an amount sufficient to generate funds for the purposes and in the amounts hereinafter named, to-wit:

	<u>Appropriated Amount-90%</u>	<u>Total Tax As Levied-100%</u>	<u>Per \$100 Market Value</u>
General	\$25,049,413	\$27,832,681	0.17780
Library	\$5,691,768	\$6,324,187	.04040
Social Security	\$1,893,499	\$2,103,888	.01344
Police			
& Fire Pension	\$2,855,746	\$3,173,051	.02027
Bond and Interest			
Redemption	\$5,067,645	5,630,717	.03597

19. There is hereby authorized the transfer to the appropriate reserve accounts of all encumbrances, including accrued payroll, for the fiscal year ending August 31, 2007, together with any monies previously so reserved.

20. All previous capital appropriations are hereby continued and reappropriated pursuant to Section 27 of Article IX of the Charter of the City of Lincoln, except the unexpended balance remaining in any fully completed project shall be credited to the unappropriated surplus in the fund from which such project was funded.

21. There is hereby designated and appropriated General Fund cash balances in an amount equal to the debt service falling due during the fiscal year for the Golf Course Revenue Bonds issued in 2001 for the purpose of providing for the payment of the principal and interest on such bonds, as they become due, if and to the extent that amounts credited to the Golf Revenue Fund are insufficient and to the extent that such General Fund cash balances are available.

22. There is hereby designated and appropriated General Fund cash balances to pay operation and maintenance expenses for solid waste management in an amount sufficient to produce net revenues equal to 110% of the annual debt service due and payable in such fiscal year on the Solid Waste Management Revenue Bonds issued in 2006 if and to the extent the net revenues in such fiscal year are less than 125% of the annual debt service due and payable in such fiscal year and to the extent that such General Fund cash balances are available.

23. Per resolution A-82134 passed by the City Council on June 9, 2003 establishing an unreserved fund balance policy for the City, the General Fund unreserved fund balance as of the last audited financial statements as of August 31, 2006 was \$26,859,063. This August 31, 2006 unreserved balance is 23.9% of the General Fund budget for 2007-08 of \$112,426,876 included in this resolution. The August 31, 2006 unreserved balance was 3.9% greater than the 20% goal for such balance set by Resolution A-82134.

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24. The pension and FICA benefits for the 27th pay period in F.Y. 2005-06 are hereby reappropriated up to the amounts shown on Schedule 7.

25. That the appropriations for the following items be transferred effective August 31, 2007:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 18002.5856	General Expense/City Share of Downtown Maint.	\$28,500
To: 413536.6137	Urb. Dev. Street Tree Replacement CIP Proj. (also increases 13001.9234 U.D. CIP Transf.)	\$28,500
From: 18001.5989	Contingency	\$153,000
To: 06014.5021	Finance/911 Communications/Salaries (also increases 19001.9226)	\$127,000
13001.5021	Urban Development/Salaries	\$26,000

26. That the cash for the following items be transferred effective August 31, 2007:

From: 10005.9220	Personnel/Risk Mgmt./Workers Comp. Fund	\$20,000
To: 10011.9140	Personnel/Risk Mgmt./Excess Self Ins. Fund	\$20,000
From: 18022	Tax Sale Revolving Fund	\$718,000
To: 18800	General Fund	\$718,000
From: 78437	2002 Storm Sewer Construction Fund	\$830,000
To: 18008	Bond Interest & Redemption Fund	\$830,000
From: 79130	Snow Removal Fund	\$89,474
To: 18800	General Fund	\$89,474

27. That all remaining cash for the following items be transferred effective August 31, 2007 up to the following amounts:

From: 414107 & 414108	Library CIP Project	\$213,000
409475 & 409476	Parks & Rec. CIP Project	\$853,000
To:	Bond Interest & Redemption Fund	\$1,066,000

28. That cash and appropriations up to the following amounts for the following items be transferred effective August 31, 2007:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 18002.5655	General Expense/Work Study	\$11,388
To: 79115.5021	P.W. & U./Watershed Mgmt.	\$2,500
02012.5022	Mayor/C., I.C.	\$3,688
02014.5021	Mayor/Human Rights	\$5,200
From: 18002.5251	General Expense/Fuel & Oil	\$100,000
To: 79500.5253	StarTran Fleet/Fuel Oper. Vehicles (also increases 19001.9225)	\$33,333
04025.5251	Police/Police Garage/Fuel & Oil	\$33,333
79160.5251	P.W. & U/Fleet Services/Fuel & Oil	\$33,334

29. That the following unexpended appropriations are reappropriated effective August 31, 2007 up to the following amounts:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
18002.6069	General Expense/Data Processing Equipment	\$28,460
06021.6069	Information Services/Data Processing Equipment	\$25,009
06021.5874	Information Services/Software Maintenance	\$11,266
18002.5878	General Expense/Problem Resolution Team	\$17,220
18002.5621	General Expense/Misc. Contractual	\$1,500
01001.5989	City Council/Misc. Other Serv. & Charges	\$12,563
18002.5856	General Expense/City Share of Downtown Maintenance	\$29,351
18002.5659	General Expense/Peoplesoft Financial System	\$85,600
18002.6024	General Expense/City Share-Impact Fees (Low Income)	\$25,258
18002.6027	General Expense/City Share-Impact Fees (Econ. Dev.)	\$120,000
06065.6076	Finance/Radio Shop/Misc. Equipment	\$23,740
06065.6085	Finance/Radio Shop/Radio Equipment	\$97,083
09250.9246	Parks/KENO/Unprogrammed KENO Appropriations	\$26.10
09250.5621	Parks/KENO/Misc. Contractual	\$49,429
0402B.5930	Police/Admin. Sup./Facilities Rental	\$90,000
0402B.6085	Police/Admin. Sup./Radio Equip.	\$24,700
0402B.6069	Police/Admin. Sup./D.P. Equip.	\$30,629
0402B.6076	Police/Admin. Sup./Misc. Equip.	\$8,500
0402B.6062	Police/Admin. Sup./Audio-Visual Equipment	\$211,046
18002.5621	Gen. Expense/Misc. Contr.	\$139,564
08001.5633	Bldg. & Safety/Admin.	\$113,548
12111.5926	Health/CHS Admin./Rent of Software	\$168,965
18002.5998	General Expense/Witness Fees	\$18,000
18002.5970	General Expense/Court & Litigation	\$42,011
18002.5642	General Expense/Legal Services	\$100,438
17004.5638	Com. Health Endowment/Grants	\$1,508,283
18002.5865	General Expense/Minor Bldg. & Grounds Improve.	\$20,000
70315.6998	P.W. & U./Water/AVL System Equipment	\$30,000
70600.6998	P.W. & U/Water/AVL System Equipment	\$4,058

30. That unencumbered appropriations and cash (where necessary) from the budget for the fiscal year beginning September 1, 2006 be transferred and reappropriated up to the following amounts effective August 31, 2007:

From: 0403B.5021	Police/Operations/Salaries	\$384,300
To: 02017.5021	Mayor/Affirmative Action/Salaries	\$14,000
02013.5021	Mayor/Women=s Com./Salaries	\$8,000
02001.5021	Mayor/Mayor=s Office/Salaries	\$31,000
18002.6144	General Expense/Spec. Assessments/Sidewalk (Special Assessment Dist. approved by City Council)	\$300,000
03001.5653	Law/Temporary Help	\$5,000
09029.5452	Parks/Recreation/Centers/Child Care Licensing	\$26,300
From: 06001.5021	Finance/Admin./Salaries	\$40,000

To: 006014.5021 Finance/911 Com. /Salaries \$40,000

31. There is hereby appropriated to each departmental operating budget 100% of the unencumbered operating appropriations as shown in the final Appropriation Status Report as of August 31, 2007 up to the amount shown below:

<u>FUND</u>	<u>AMOUNT</u>
General	\$1,900,000
Health	\$50,000
Animal Control	\$16,000
StarTran	\$100,000
Library	\$250,000
Aging	\$75,000

In addition, any reimbursements received from FEMA related to expenses incurred for the Hallam tornado clean up are hereby reappropriated to the respective department budgets.

32. That 2006-07 Parks CIP Project #5 B Com. Rec. Space w/ Schools B Schematic Design be revised to add the wording "and Site Improvements" to the description of the project.

33. There is hereby attached and made a part hereof a listing of all funds of the City of Lincoln which are hereby confirmed and approved.

Introduced by Jonathan Cook

FINAL VOTE: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FISCAL YEAR 2007-2008 THROUGH FISCAL YEAR 2012-2013 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84484 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Section 17.22.010 of the Lincoln Municipal Code to establish water use charges for all customers of the Lincoln Water System.

WHEREAS, Both the Mayor's Advisory Committees, Streets, Roads and Trails (SRT) and the Mayor's Infrastructure Finance Committee (MIFC) support the water rate increases proposed by the City's Public Works & Utilities Department over the next 10 years, to help finance the infrastructure needs identified in the City's Capital Improvement Program. The current projections acknowledge the need for approval of a 7% increase for Fiscal Year 2007-08; a 5% increase for Fiscal Year 2008-09; and a 4% increase for Fiscal Year 2009-10.

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

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

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

Effective with the billing cycle commencing on November 15, 2007, and ending January 15, 2008, the following schedule of water use charges is hereby established and adopted:

#### SCHEDULE A

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

113.0 cents per 100 cubic feet for the first 800 cubic feet of water used per dwelling unit each month.  
159.0 cents per 100 cubic feet for the next 1500 cubic feet of water used per dwelling unit each month.  
248.0 cents per 100 cubic feet for all additional water used each month.

The monthly Service Charge shall be hereinafter provided.

#### SCHEDULE B

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

113.0 cents per 100 cubic feet for the first 8000 cubic feet of water used per month.  
159.0 cents per 100 cubic feet for all additional water used each month.

The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE C

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

The following fees would apply:

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

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

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

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

The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE D - PROVISIONS APPLICABLE -  
TO ALL TYPES OF WATER SERVICE

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

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

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

WATER RATES TO CUSTOMERS OUTSIDE  
THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the water system of the City of Lincoln shall pay no less than the water rates charged to customers within the City Limits of Lincoln for water furnished them by the water system of the City of Lincoln.

BE IT FURTHER RESOLVED that Resolution No. A-83988, adopted by the City Council on August 21, 2006, is hereby superseded.

Introduced by Ken Svoboda

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

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FISCAL YEAR 2007-2008 THROUGH FISCAL YEAR 2012-2013 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84485 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Sections 17.60.020 and 17.60.030 of the Lincoln Municipal Code to establish wastewater charges for all customers of the Lincoln Wastewater System.

WHEREAS, Both the Mayor's Advisory Committees, Streets, Roads and Trails (SRT) and the Mayor's Infrastructure Finance Committee (MIFC) support the wastewater rate increases proposed by the City's Public Works & Utilities Department over the next 10 years, to help finance the infrastructure needs identified in the City's Capital Improvement Program. The current projections acknowledge the need for approval of a 9% increase for Fiscal Year 2007-08; a 6% increase for Fiscal Year 2008-09; and a 5% increase for Fiscal Year 2009-10.

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

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

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



Effective with the billing cycle commencing on November 15, 2007, the following schedule of wastewater use charges is hereby established and adopted:

BASIC WASTEWATER USE CHARGE

(a) The basic wastewater use unit charge is hereby established as 157.5 cents.

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

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

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

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

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

SERVICE CHARGE

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

WATER METER SIZE	SERVICE CHARGE
5/8 inch	\$ 1.31
3/4 inch	1.31
1 inch	1.31
1-1/2 inch	2.62
2 inch	5.24
3 inch	11.79
4 inch	20.96
6 inch	47.17
8 inch	83.85
10 inch	131.02

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

WASTEWATER RATES TO CUSTOMERS OUTSIDE  
THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the Lincoln Wastewater System shall pay no less than the Wastewater rates charged to customers within the City Limits of Lincoln for service furnished them by the Lincoln Wastewater System.

BE IT FURTHER RESOLVED that Resolution No. A-83987, adopted by the City Council on August 21, 2006 is hereby superseded.

Introduced by Ken Svoboda

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

AMENDING THE LINCOLN LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS AND STANDARDS BY AMENDING ARTICLE 1, SECTION 6, TO INCREASE THE FEES FOR ASBESTOS PROJECT NOTIFICATIONS AND BY AMENDING ARTICLE 2, SECTION 30, TO INCREASE THE CHARGE FOR ENGINEERING REVIEWS OF AIR POLLUTION CONTROL CONSTRUCTION PERMITS - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84486 A RESOLUTION amending the Lincoln-Lancaster County Air Pollution Control Program.

WHEREAS, the City of Lincoln and County of Lancaster entered into an Interlocal Agreement by Resolution No. A-75819 dated November 15, 1993, which adopted the Lincoln-Lancaster County Air Pollution Program;

and

WHEREAS, the Lincoln-Lancaster County Health Department has proposed changes to the Air Pollution Program to amend Article 1, Section 6, to increase the fees for asbestos project notification, and to amend Article 2, Section 30, to increase the charge for engineering reviews of air pollution control construction permits.

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

1. That the Amendments to the Lincoln-Lancaster County Air Control Program Regulations and Standards as set out above which are attached hereto marked as Attachment "A" are hereby approved.

2. The City Clerk is directed to send a copy of this Resolution along with the attached Amendments (Attachment "A") to Susan Starcher of the Lancaster County Clerk's Office, for filing with the County.

Introduced by Ken Svoboda

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

AMENDING THE LINCOLN LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS AND STANDARDS TO INCREASE THE FEES FOR SPECIAL WASTE PERMITS - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84487 WHEREAS, the City Council adopted Resolution No. A-84015 on September 11, 2006, and is authorized under Chapter 8.32 of the Lincoln Municipal Code to establish and revise fees and minimum quantities for the issuance of Special Waste Permits; and

WHEREAS, the Health Director has re-evaluated the estimated costs and available resources to administer, operate and enforce the Special Waste Disposal provision of Chapter 8.32, and has determined that certain revisions are appropriate.

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

Commencing on the effective date of this resolution, the following schedule of annual permit fees, special fees, and minimum quantities is hereby established:

- A. Group 1: Wastes That May contain Free Liquids
1. Cooking oil and grease. Any quantity going to the Theresa Street Wastewater Treatment Plant Dump Station requires a permit, which permit may be issued as a blanket permit covering multiple disposals as provided on the permit.  
Annual Permit Fees: None.  
Waste in excess of one gallon per month or one pound per load disposed at a waste disposal site other than the Theresa Street Wastewater Treatment Plant Dump Station requires a Special Waste Permit. Annual permit fee: ~~\$150.00~~  
\$160.00.
  2. Cooking grease trap waste. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None.  
For all other disposal sites. Annual permit fee: ~~\$150.00~~  
\$160.00.
  3. Mud or sand from sumps or traps. Any quantity requires a permit.  
Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None.  
For all other disposal sites. Annual permit fee: ~~\$150.00~~  
\$160.00.
  4. Septic tank waste. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.  
For all other disposal sites - Annual permit fee: ~~\$150.00~~  
\$160.00.
  5. Chemicals and waste from portable or chemical toilets. Any quantity requires a permit.  
Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.  
For all other disposal sites - Annual permit fee: ~~\$150.00~~  
\$160.00.
  6. Sewage or other organic residues or sludges. Any quantity requires a permit.  
Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.  
For all other disposal sites - Annual permit fees: ~~\$150.00~~  
\$160.00.
  7. Sludges containing a liquid concentration of 80% or more by weight or material producing free liquids in a Standard Paint Filter Test. Any quantity requires a permit.  
Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.  
For all other disposal sites - Annual permit fee: ~~\$150.00~~

- \$160.00.
- Group II: Petroleum-based Wastes
8. Petroleum type grease trap waste. Any quantity requires a permit. Annual permit fee: ~~\$250.00~~ \$265.00.
  9. Sludges from petroleum tanks. Any quantity requires a permit - Annual permit fee: ~~\$250.00~~ \$265.00.
  10. a. Used oil filters. Any quantity requires an annual permit - Annual permit fees:  
Less than 220 pounds per month - ~~\$50.00~~ \$55.00.  
220 pounds or more a month - ~~\$250.00~~ \$265.00.
  - b. Petroleum contaminated soil and granular absorbents. Permitted Quantity: 220 pounds per month or more - Annual permit fee: ~~\$250.00~~ \$265.00.
  - c. Petroleum contaminated refuse or other materials except oil filters, soil and granular absorbents. Any quantity requires a permit - Annual permit fee:  
Quantities up to 220 pounds per month - ~~\$50.00~~ \$55.00.  
Quantities 220 pounds or more per month - ~~\$250.00~~ \$265.00.
  11. Petroleum contaminated water. Permitted quantity: 55 gallons per month or more - Annual permit fee: ~~\$250.00~~ \$265.00.
  12. Oil, lubricants, hydraulic fluids, fuels, and other petroleum products. Any quantity requires a permit. Permit issued only for incineration in a used oil burning heating unit - Annual permit fee; ~~\$20.00~~ \$25.00.
- Group III: Empty Containers
13. Pressurized containers or containers that may explode upon crushing. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit. For all other disposal sites: any quantity requires a permit - Annual Permit fee: ~~\$150.00~~ \$160.00.
  14. Containers over five gallons in size. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit. For all other disposal sites: Any quantity requires a permit - Annual Permit fee: ~~\$150.00~~ \$160.00.
  15. Empty containers labeled "DANGER" or which once contained hazardous material. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit. For all other disposal sites: Any quantity requires a permit - Annual permit fee: ~~\$150.00~~ \$160.00.
  16. Fuel tanks. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit. For all other disposal sites - Any quantity requires a permit - Annual permit fee: ~~\$150.00~~ \$160.00.
- Group IV: Solvents, Absorbents, Filters, and Residues
17. Solvents, degreasers, strippers, thinners, and related products. Any quantity requires a permit. Annual permit fee: ~~\$150.00~~ \$160.00.
  18. Refuse containing solvents, degreasers, strippers, or thinners. Any quantity requires a permit - Annual permit fee: ~~\$150.00~~ \$160.00.
  19. Lime or other inorganic residues or sludges. Minimum quantities: twenty-five gallons or 43 pounds per month - Annual permit fee: ~~\$250.00~~ \$265.00.
  20. Paint dry waste, filters, and paint contaminated material. Minimum quantities: 43 pounds per month - Annual permit fee: ~~\$250.00~~ \$265.00.
  21. Fly ash. Minimum quantities: 43 pounds per month - Annual permit fee: ~~\$250.00~~ \$265.00.
  22. Bottom ash. Minimum quantities: 43 pounds per month - Annual permit fee: ~~\$250.00~~ \$265.00.
- Group V: Hazardous or Toxic Chemicals or Chemical Products
23. Antifreeze or treatment chemicals for boilers, heat exchangers, cooling towers, and similar uses. Minimum quantities: Five gallons or more per day - Annual permit fee: ~~\$150.00~~ \$160.00.
  24. Chemicals labeled WARNING for toxics and pesticides: Minimum quantities: One pint or one pound per load or more - Annual permit fee: ~~\$250.00~~ \$265.00.
  25. Pharmaceutical products. Minimum quantities: More than five gallons or 43 pounds per month - Annual permit fee: ~~\$250.00~~ \$265.00.
  26. Adhesives, sealants, coatings or catalysts. Minimum quantities: More than five gallons or 43 pounds per month -

- Annual permit fee: ~~\$250.00~~ \$265.00.
27. Material containing between 25 and 100 percent of the maximum concentration of any Toxic Characteristic Leaching Procedure (TCLP) listed chemical as referenced in 30 CFR 261.24, Table 1 or that exceeds a concentration of 0.3 mg/kg of nickel. Minimum quantities: More than five gallons or 43 pounds per month - annual permit fee; ~~\$250.00~~ \$265.00.
28. Hazardous or potentially hazardous waste or chemicals labeled "DANGER."  
Any quantity requires a permit - Annual permit fee: ~~\$250.00~~ \$265.00.
- Group VI: Miscellaneous
29. Treated or untreated infectious waste from hospitals. Any quantity requires a permit - Annual permit fee: ~~\$250.00~~ \$265.00.
30. Treated or untreated infectious waste from other than hospitals. Any quantity requires a permit - Annual permit fee: ~~\$20.00~~ \$25.00.
31. Waste containing or likely to contain polychlorinated biphenyls (PCB). Any quantity requires a permit - Annual permit fee: ~~\$150.00~~ \$160.00.
32. Waste containing asbestos. Wastes from National Emission Standards of Hazardous Air Pollutants (NESHAP) and Nebraska Department of Health (NDOH) permitted removal projects in Lincoln and Lancaster County do not require a Special Waste Permit.  
All other asbestos waste material in any quantity requires a permit - Annual permit fee: ~~\$50.00~~ \$55.00.
33. Material other than asbestos that could create a health hazard if airborne. Any quantity requires a permit - Annual permit fee: ~~\$150.00~~ \$160.00.
34. Wood that has been treated with hazardous or toxic chemicals. Quantities more than 43 pounds per month - Annual permit fee: ~~\$50.00~~ \$55.00.
35. Any other solid waste which, because of its physical, chemical or biological characteristics, requires special handling, treatment or disposal methodologies in order to protect public health, safety, and the environment. Any quantity requires a permit - Annual permit fee: ~~\$150.00~~ \$160.00.
- F. General
1. If the Health Department identifies a new special waste stream due to process changes or otherwise, such special waste stream shall require an additional application, permit, and permit fee even if the special waste generator has an existing permit for a separate waste stream, including an existing permit for the same waste or waste category.
2. New industries, commercial operations, or home occupations disposing special wastes shall file a completed inventory/permit application with the Lincoln-Lancaster county Health Department within six months.
3. Inventory/permit applications from existing special waste generators must be filed within 60 days of notification by the Health Director. If, after notice has been sent, an inventory/permit application is received by the Lincoln-Lancaster County Health Department after 60 days or if the application is postmarked after the 60-day period, the resulting permit, if issued, will be assessed an additional ~~\$40.00~~ \$50.00.

BE IT FURTHER RESOLVED that City Council Resolution No. A-84015 shall be superseded by the terms of this resolution.

Introduced by Ken Svoboda

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

APPLICATION OF HAMILTON COLLEGE - LINCOLN TO USE THE PUBLIC RIGHT-OF-WAY TO INSTALL AN OVERHEAD FIBER OPTIC LINE ACROSS THE ALLEY BETWEEN PROPERTIES AT 1821 K STREET AND 1800 J STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84488 WHEREAS, Hamilton College - Lincoln has submitted an application pursuant to Chapter 14.54 of the Lincoln Municipal Code to use a portion of the public right-of-way in the alley between J and K Streets from 18th to 20th Streets for installation of an overhead fiber optic line; and

WHEREAS, said application has been reviewed by the Public Works Department which has recommended approval of said application.

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

That the application of the Hamilton College - Lincoln,

hereinafter referred to as Permittee, for a permit to install an overhead fiber optic line upon a portion of the public right-of-way in the alley between J and K Streets from 18th to 20th Streets is approved pursuant to Chapter 14.54 of the Lincoln Municipal Code subject to the provisions of Chapter 14.54 and the following additional conditions:

a. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code.

b. That such space shall only be used for an overhead fiber optic line as specified on the permit in accordance with the requirements of Chapter 14.54.

c. That the Permittee shall require its contractor to contact Diggers Hotline of Nebraska prior to commencing construction activities.

Introduced by Ken Svoboda

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

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 07048: App. of Mark Hunzeker for a change of zone from H-3 Highway Commercial District to I-1 Industrial District, on property located at 200 NW 28<sup>th</sup> Street.

Change of Zone No. 07049HP: App. of Matt and Lisa Innis to designate as a historic landmark, property located at 1204 Peach Street.

Special Permit No. 07034: App. of Matt and Lisa Innis to preserve a landmark by permitting the utilization of the property for a tea room, on property located at 1204 Peach Street.

Special Permit No. 07004: App. of Verizon Wireless for an approx. 158 ft. tall personal wireless facility on property generally located at 12900 & O Streets.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 10, 2007 AT 1:30 P.M. FOR THE APPLICATION OF PEACOCK INDIAN CUISINE, INC. DBA PEACOCK INDIAN CUISINE FOR A CLASS I LIQUOR LICENSE LOCATED AT 2801 PINE LAKE ROAD, SUITE W - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84489 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 10, 2007, 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 Peacock Indian Cuisine, Inc. dba Peacock Indian Cuisine for a Class I liquor license located at 2801 Pine Lake Road, Suite W.

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 Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

#### MISCELLANEOUS BUSINESS - NONE

#### REPORTS OF CITY OFFICERS

APPROVING THE APPOINTMENT OF LEIRION GAYLOR BAIRD TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING SEPTEMBER 18, 2013 (P.H. W/ACTION CON'T TO 9/24/07, 7-0) - PRIOR to reading:

COOK Moved to continue Public Hearing with Action on Bill No. 07R-149 on September 24, 2007.

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

APPROVING THE APPOINTMENT OF WENDY J. FRANCIS TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 31, 2013 (P.H. W/ACTION CON'T TO 9/24/07, 7-0) - PRIOR to reading:

COOK Moved to continue Public Hearing with Action on Bill No. 07R-150 on September 24, 2007.

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

APPROVING THE APPOINTMENT OF ROBERT R. MOLINE TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 31, 2013 (P.H. W/ACTION CON'T TO 9/24/07, 7-0) - PRIOR to reading:

COOK Moved to continue Public Hearing with Action on Bill No. 07R-151 on September 24, 2007.

Seconded by Svoboda & carried by the following vote: AYES: Camp,

Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JUNE, 2007 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 911 SURCHARGE FEES FOR THE MONTH OF JUNE, 2007: LEVEL 3 COMMUNICATIONS; AT&T COMMUNICATIONS OF MIDWEST; COMTEL TELCOM ASSETS LP; 2ND QUARTER 2007: WINDSTREAM - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF FRANCHISE FEES FOR THE QUARTER ENDING JUNE 30, 2007 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT OF CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF DECEMBER 2006: SHAFFER COMMUNICATIONS, INC.; MARCH 2007: SHAFFER COMMUNICATIONS, INC.; MAY 2007: CIMCO COMMUNICATIONS, VERIZON-BELL ATLANTIC, MOVIDA COMMUNICATIONS, TON SERVICES, BUSINESS PROD. SOLUTIONS, TELEPLUS WIRELESS CORP., QWEST COMM. CORP., TELECORP COMMUNICATIONS, INTELLICALL OPERATOR SERVICES, EARTHLINK, ADVANCED TEL INC., LDMI TELECOMMUNICATIONS, XO COMMUNICATIONS, TRACFONE WIRELESS, VOICECOM, IBM GLOBAL, QUANTUM SHIFT, KDDI AMERICA, GLOBALSTAR USA, TRANS NATIONAL, PRIMUS TELECOMM., GLOBAL CROSSING, GLOBAL CROSSING BANDWIDTH, ONSTAR, CINCINNATI BELL ANY DISTANCE, VERIZON SELECT, ANDIAMO TELECOM, WORKING ASSETS, BROADWING COMM., MCLEOD USA, ACN COMM., BROADBAND DYNAMICS, VIRGIN MOBILE, USCOC OF NEBRASKA/KANSAS, UCN, INC., TELECOMMUNICATIONS SYSTEMS CORP OF MARYLAND, NETWORK BILLING, GUARANTEED PHONE SERVICE, NEBRASKA TECHNOLOGY, AT&T COMM. OF MIDWEST, NEW CINGULAR WIRELESS, CRICKET, USCOC OF GREATER IOWA; JUNE 2007: SPRINT, SPRINT SPECTRUM, ALLTEL, WWC LICENSE, TWC DIGITAL PHONE, SPRINT SPECTRUM LP, D & D COMM., MCI, WINDSTREAM NEBRASKA, WINDSTREAM SYSTEMS OF THE MIDWEST, NETWORK BILLING, ZONE TELECOM, GTC TELECOM, ENHANCED COMM., COMTECH 21, GLOBALCOM, TRI-M, LIGHTYEAR NETWORK SOLUTIONS, ACCERIS, SBC LONG DISTANCE, FIRST COMMUNICATIONS, 360 NETWORKS, BT AMERICAS, NOSVA, COVISTA, NOS COMMUNICATIONS, AFFINITY NETWORK, ATS MOBILE, SHAFFER COMMUNICATIONS, NEXTEL WEST CORP.; APRIL-JUNE 2007: T-MOBILE CENTRAL, TRINSIC, HELIO, 800 RESPONSE INFORMATION SERVICES, NECC TELECOM, NETWORK US, ENHANCED COMMUNICATIONS GROUP, DIGIZIP.COM, AMERIVISION, TOUCH 1, WINDSTREAM NEBRASKA, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

**TOOK BREAK 2:33 P.M.**

**RECONVENED 2:40 P.M.**

**ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)**

VACATION 05008 - VACATING PINE LAKE ROAD BETWEEN WESTSHORE DRIVE AND EASTSHORE DRIVE - CLERK read an ordinance, introduced by Jon Camp, vacating Pine Lake Road between Westshore Drive and Eastshore Drive, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING AN AGREEMENT BETWEEN THE CITY AND ST. JAMES UNITED METHODIST CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2400 S. 11TH STREET FOR A PERIOD OF SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and St. James United Methodist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2400 S. 11<sup>th</sup> Street, Lincoln, NE for a term beginning September 1, 2007 through August 31, 2008, the first time.

APPROVING AN AMENDMENT TO LEASE AGREEMENT, THE GOLD'S BUILDING, BETWEEN THE CITY OF LINCOLN AND SECURITY NATIONAL PROPERTIES FUNDING, LLC, TO STRIKE PARAGRAPH 9, SUBROGATION, FROM THE LEASE - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Amendment to Lease Agreement, the Gold's Building, between the City of Lincoln and Security National Properties Funding, LLC, to strike paragraph 9 Subrogation from the Lease, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF LABOR TO SUBLEASE 6,568 SQ. FT. OF OFFICE SPACE IN THE ONE STOP CAREER CENTER AT THE GOLD'S BUILDING FOR A TERM OF JANUARY 1, 2007 TO DECEMBER 31, 2011 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and DAS/State Building Division on behalf of Nebraska Workforce Development, Department of Labor, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2007 through December 31, 2011 whereby the City of Lincoln

is subleasing 6,568 sq. ft. of space to Nebraska Workforce Development, Department of Labor, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF EDUCATION, VOCATIONAL REHABILITATION SERVICES TO SUBLEASE 154 SQ. FT. OF OFFICE SPACE IN THE ONE STOP CAREER CENTER AT THE GOLD'S BUILDING FOR A TERM OF JANUARY 1, 2007 TO DECEMBER 31, 2009 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln, and DAS/State Building Division on behalf of Nebraska Department of Education, Vocational Rehabilitation Services, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2007 through December 31, 2009 whereby the City of Lincoln is subleasing 154 sq. ft. of space to Nebraska Department of Education, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

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

CHANGE OF ZONE 07018 - APPLICATION OF HAMPTON ENTERPRISES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR APPROXIMATELY 78 DWELLING UNITS AND APPROXIMATELY 258,000 SQUARE FEET OF OFFICE AND COMMERCIAL SPACE IN THE UNDERLYING R-3 ZONED AREA, ON PROPERTY GENERALLY LOCATED AT S. 84TH AND GLYNOAKS DRIVE - CLERK read an ordinance, introduced by John Spatz, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal code, by changing the boundaries of the districts established and shown thereon, the third time.

SPATZ Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered **#18976**, is recorded in Ordinance Book #26, Page

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY ADDING A NEW SECTION 27.03.555 TO DEFINE THE TERM "SOCIAL HALL"; BY AMENDING SECTIONS 27.29.030, 27.31.040, 27.33.030, 27.37.025, 27.41.030, 27.43.030, AND 27.45.025 TO ALLOW SOCIAL HALLS AS PERMITTED CONDITIONAL USES IN THE B-1, B-2, B-3, B-5, H-2, H-3, AND H-4 ZONING DISTRICTS, RESPECTIVELY, AND TO ESTABLISH CONDITIONS THEREFOR - CLERK read an ordinance, introduced by John Spatz, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by adding a new section numbered 27.03.555 to define the term "social hall"; by amending Sections 27.29.030, 27.31.040, 27.33.030, 27.37.025, 27.41.030, 27.43.030, and 27.45.025 to allow social halls as permitted conditional uses in the B-1, B-2, B-3, B-5, H-2, H-3, and H-4 zoning districts, respectively, and to establish conditions therefor; and repealing Sections 27.29.030, 27.31.040, 27.33.030, 27.37.025, 27.41.030, 27.43.030, 27.45.025, 27.67.040 and Figure 27.67.040 of the Lincoln Municipal Code as hitherto existing, the third time.

SPATZ Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered **#18977**, is recorded in Ordinance Book #26, Page

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND GOODWILL INDUSTRIES FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Goodwill Industries for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2007 through December 31, 2008 whereby the City of Lincoln is subleasing space to Vocational Rehabilitation Services, Department of Education, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

SPATZ Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered **#18978**, is recorded in Ordinance Book #26, Page

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 John Spatz, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the

Street Construction/Vehicle Tax Fund, Water Construction Fund, and Sanitary Sewer Construction Fund within the Public Works & Utilities Department, the third time.

SPATZ Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #18979, is recorded in Ordinance Book #26, Page

APPROVING A TRANSFER OF FUNDS WITHIN THE PARKS & RECREATION DEPARTMENT CAPITAL IMPROVEMENT PROGRAM - CLERK read an ordinance, introduced by John Spatz, approving the transfer of unspent and unencumbered appropriations and between certain capital improvement projects within the Parks and Recreation Department, the third time.

SPATZ Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #18980, is recorded in Ordinance Book #26, Page

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT PER CITY ORDINANCE WHEN FUNDING APPROPRIATIONS COMES FROM MORE THAN ONE FISCAL YEAR CIP FOR THE JOINT ANTELOPE VALLEY (JAVA) PROJECT NO. 780104, ANTELOPE VALLEY O STREET BRIDGE AND ROADWAY. (8/13/07 - DELAYED 1 WEEK FOR ACTION ONLY) - PRIOR to reading:

ESCHLIMAN Moved to amend Bill No. 07R-143 in the following manner:  
(a) On Page 1, line 9, delete the dollar amount of \$3,480,700 and insert in lieu thereof the amount of \$3,328,700.  
(b) On Page 2, after line 4, insert a new paragraph as follows:  
The City shall use its best efforts to reduce or eliminate the use of funds from City Wheel Tax, New Construction in future years. If any cost savings are found, funds would be transferred out of this category first to other new construction project(s) as suggested by Ordinance 16830 (passed July 31, 1995) and the Comprehensive Plan.

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

CLERK Read the following resolution, introduced by John Spatz, who moved its adoption as amended:

A-84490 WHEREAS, the Antelope Valley O Street Bridge and Roadway Project and associated approach roadways located between 21<sup>st</sup> to 23<sup>rd</sup> Streets, described as City Project 780104, State Project STPC 34-6(135) - Control No. 11215i, has been approved by the City; and

WHEREAS, construction of the Antelope Valley O Street Bridge and Roadway Project is scheduled to begin in September of 2007 with an anticipated completion date of October 2008; and

WHEREAS, the project is shown in the City's 2007-2013 Capital Improvement Program as Project No. 780104, Antelope Valley O Street Bridge and Roadway with appropriations in the amount of ~~\$3,480,700~~ \$3,328,700 in FY 2007/2008, and \$1,308,900 in FY 2008/2009; and

WHEREAS, funding for this work includes State and City Funds; and  
WHEREAS, the Public Works & Utilities Department believes it is in the public interest to enter into a multi-year contract for the Antelope Valley O Street Bridge and Roadway Project to coordinate the construction of the project and to match the funding appropriation to the cash outlay; and

WHEREAS, Article VII, Section 3 of the Charter of the City of Lincoln provides that no contract involving the expenditure of money from appropriations of more than one year, other than appropriations of borrowed money, shall be valid unless approved by ordinance or resolution of the City Council.

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

That the Mayor and Finance Director are authorized to approve expenditures and related transfers of funds or approvals in connection with the multi-year Joint Antelope Valley Authority (JAVA) O Street Bridge and Roadway Project to be paid from C.I.P. funds for Fiscal Years 2007 and 2008.

The City shall use its best efforts to reduce or eliminate the use of funds from City Wheel Tax, New Construction in future years. If any cost savings are found, funds would be transferred out of this category first to other new construction project(s) as suggested by Ordinance 16830 (passed July 31, 1995) and the Comprehensive Plan.

Introduced by John Spatz  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT PER CITY ORDINANCE WHEN FUNDING APPROPRIATIONS COMES FROM MORE THAN ONE FISCAL YEAR CIP FOR THE ANTELOPE VALLEY PHASE 1 "EAST LEG" OF BIG "X", CITY PROJECT 780107. (8/13/07 - DELAYED 1 WEEK FOR ACTION ONLY) - PRIOR to reading:

ESCHLIMAN Moved to amend Bill No. 07R-144 in the following manner:  
(a) On page 2, after line 4, insert a new paragraph as follows:



The City shall use its best efforts to reduce or eliminate the use of funds from City Wheel Tax, New Construction in future years. If any cost savings are found, funds would be transferred out of this category first to other new construction project(s) as suggested by Ordinance 16830 (passed July 31, 1995) and the Comprehensive Plan.

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

CLERK Read the following resolution, introduced by John Spatz, who moved its adoption as amended:

A-84491 WHEREAS, the Antelope Valley East Leg Roadway Project, described as City Project 780107, State Project STPC-5257(1) - Control No. 11215g, has been approved by the City; and

WHEREAS, construction of the Antelope Valley East Leg Roadway Project is scheduled to begin in September of 2007 with an anticipated completion date of November 2010; and

WHEREAS, the project is shown in the City's 2007-2013 Capital Improvement Program as Project No. 780107, Antelope Valley East Leg Roadway with appropriations in the amount of \$12,339,100 in FY 2007/2008; \$8,740,700 in FY 2008/2009; \$9,002,900 in FY 2009/2010; and \$6,155,300 in FY 2010/2011.

WHEREAS, funding for this work includes Highway Allocation Funds, Federal Funds, Railroad Transportation Safety District, and City Funds; and

WHEREAS, the Public Works & Utilities Department believes it is in the public interest to enter into a multi-year contract for the Antelope Valley East Leg Roadway Project to coordinate the construction of the project and to match the funding appropriation to the cash outlay; and

WHEREAS, Article VII, Section 3 of the Charter of the City of Lincoln provides that no contract involving the expenditure of money from appropriations of more than one year, other than appropriations of borrowed money, shall be valid unless approved by ordinance or resolution of the City Council.

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

That the Mayor and Finance Director are authorized to approve expenditures and related transfers of funds or approvals in connection with the multi-year Joint Antelope Valley Authority (JAVA) East Leg Roadway Project to be paid from C.I.P. funds for Fiscal Years 2007, 2008, 2009, and 2010.

The City shall use its best efforts to reduce or eliminate the use of funds from City Wheel Tax, New Construction in future years. If any cost savings are found, funds would be transferred out of this category first to other new construction project(s) as suggested by Ordinance 16830 (passed July 31, 1995) and the Comprehensive Plan.

Introduced by John Spatz

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

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to August 27, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**UPCOMING RESOLUTIONS -**

APPEAL FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 07026 FOR AUTHORITY TO CONSTRUCT A 31 UNIT DOMICILIARY CARE FACILITY FOR 33 RESIDENTS ON APPROXIMATELY 1.84 ACRES GENERALLY LOCATED AT S. 25TH STREET AND OLD CHENEY ROAD. (REQUEST TO HOLD P.H. ON 9/10/07)

COOK Moved to have Public Hearing on 8/27/07 with continued Public Hearing and Action on 9/10/07 for Bill No. 07R-160.

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

CAMP Moved to approve the remaining resolutions to have Public Hearing on August 27, 2007.

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

REGULAR MEETING  
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ADJOURNMENT            3:36 P.M.

CAMP                    Moved to adjourn the City Council meeting of August 20, 2007.  
                          Seconded by Svoboda & carried by the following vote: AYES: Camp,  
                          Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
                          So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant



