

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 25, 2008 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Eschliman; Council Members: Camp, Cook, Emery, Marvin, Spatz, Svoboda; City Clerk, Joan E. Ross.

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

READING OF THE MINUTES

SPATZ Having been appointed to read the minutes of the City Council proceedings of August 18, 2008 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2744 FOR A CLASS B LIQUOR LICENSE AT 4335 N. 70TH STREET;
MANAGER APPLICATION OF TINA M. KRINGS FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2744 AT 4335 N. 70TH STREET - Sharon Scusa, 1825 Valleyview Dr., Crete, NE, took oath and came forward to answer questions.

This matter was taken under advisement.

ADOPTING THE 2008/09 CITY OF LINCOLN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FY 2008/09 - 2013/14 - Steve Hubka, Budget Officer, came forward to ask the Substitute Resolution be adopted in place of the resolution provided last week. He explained the Fast Forward Fund is required for the ITI reimbursement for which the \$235,000 is needed. It had been \$6,435,000 and because of all the reductions in the budget the amount was reduced to just include the ITI payment. That's the only thing appropriated from that fund, but the fund is still created. The fund is still there in case it needs to be transferred at a later date. The \$610,000 for the bond interest and redemption fund is going to the construction fund which is still about \$1.1 million. This transfer was reduced because of the additional property tax revenue which ended up to be \$545,000. The appropriations for the Home Owners Stimulus Plan was cut out of the budget.

Richard Esquivel, 733 W. Cumming, asked if the property taxes are included as income and how does that affect the expenses and if so what about the expense of paying the TIF financing to those projects?

Mr. Hubka stated that \$1.1 million of debt service on TIF bonds of which the debt service is paid from the increment of the property taxes above and beyond the base. When they give us a certified evaluation from the Assessor's Office they have already taken out the valuation related to the TIF properties. By the time we get that figure it is already taken out of there and that valuation is used to pay that debt service for those bonds only. The rest of the City's tax rate is calculated without that portion of the valuation and base.

This matter was taken under advisement.

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES THROUGH FISCAL YEAR 2009;
APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES THROUGH FISCAL YEAR 2009 - Greg MacLean, Public Works & Utilities Director, came forward to present the request for proposed rate increases for water and wastewater. The rate increases include the increases of the cost for power, energy, and fuel as well as treatment chemicals and other operating type of parameters. Capitol Improvements projects are driven by maintaining quality service in the existing system which include infrastructure repairs and replacement on a regular basis. It also includes Tier 1A defined in the Comprehensive Plan. The rate increase also included the City Council approved agreements for developments where Public Works has the obligation to repay developers for infrastructure improvements they may have made.

Margaret Remmenga, Public Works & Utilities Business Manager, presented the 4% increase to the water rates and 4% increase to the wastewater user fees and how they were calculated.

Mike Eckert, Civil Design, came forward representing John & Tom Schleich owners & operators of over 3500 apartments in Lincoln and are involved in some development groups. The rate increase will have an effect on them as apartment owners who pay for the water & sewer, but they do understand this will help fund necessary capitol improvement projects which will allow the community to grow.

Fred Hoag, Home Builders, came forward in support of the increase to keep up with the CIP.

Russell Miller, 341 S. 57th Street, came forward in opposition to the rate increase as proposed at this time.

Rosina Paolini, 1850 Dakota Street, came forward in opposition.
This matter was taken under advisement.

COMP. PLAN CONFORMITY 08018 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE NORTHWEST CORRIDORS REDEVELOPMENT PLAN WITHIN THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK FOR CONSTRUCTION OF AN OFFICE/COMMERCIAL BUILDING OF APPROXIMATELY 150,000 SQUARE FEET, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF W. HIGHLAND BLVD. AND DISCOVERY DRIVE - Wynn Hjernstad, Urban Development, explained the request to establish University of Nebraska Technology Park Project 2 to accommodate an office/commercial building. Perot is an international company that provides information technology and business process services to the life insurance and annuity industry. There will be approximately 750 employees at this site and may add another 150 over time. This project meets the "But For" test and will qualify for approximately \$3 million in TIF funds. The TIF funds will be used to buy down the lease, extend a couple roads to have two access points to the project, for sanitary sewer, water, storm water, and other utilities, and possibly public sidewalks, street trees, street lighting, or landscaping in public right-of-way. For every public dollar invested in the project \$7.25 will be invested by the private sector. Their capitol investment is about \$23 million, personal property investment of about \$4 million, and an annual payroll of \$7.5 million.

Tom Huston, 233 S. 13th Street, Suite 1900, came forward on behalf of the University of Nebraska Foundation and the University Technology Park LLC which is the ground landlord for this site who are in support of this resolution. This is in conformance with the Comprehensive Plan. This project would not be occurring in Lincoln without Tax Increment Financing.

Richard Esquivel, 733 W. Cuming, came forward to ask how can the neighborhood be protected from the increased traffic this will create in this area?

Chad Blahak, Public Works & Utilities, stated there is not an access to the West Highlands Blvd. planned. These plans do meet the federal regulations.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN "M" CLASS EMPLOYEES ASSOCIATION EFFECTIVE AUGUST 21, 2008;
APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN CITY EMPLOYEES ASSOCIATION (LCEA) EFFECTIVE AUGUST 21, 2008;
APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE PUBLIC ASSOCIATION OF GOVERNMENT EMPLOYEES (PAGE) EFFECTIVE AUGUST 21, 2008 - Don Taute, Personnel Director, came forward to state these are collective bargaining agreements. Mr. Taute explained the amendments to the LCEA and PAGE contracts which were simply cleanup language. The pension and match have not been incorporated in the contracts as it was created by ordinance in 1961 when the plan was first adopted. There have been changes in investment schedules and the contribution rate was incrementally increased from 1975 to 1978 from 1.1 to 2. This cannot be done unilaterally for existing employees without providing some advantage to offset any disadvantage created by a decrease pursuant to the pension opinion provided a couple years ago by Bill Harding and Bill Austin. Legislation may be brought before the Council in the future pursuant to the pension for consideration of a plan for new hires in accordance with the opinion.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON AUGUST 11, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REAPPOINTING MARK WESTPHALEN TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD FOR A TERM EXPIRING ON SEPTEMBER 1, 2013 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-84984 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Mark Westphalen to the Police and Fire Pension Plan Investment Board for term expiring September 1, 2013 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING MAJA VIKLANDS HARRIS TO THE LIBRARY BOARD FOR A SEVEN-YEAR TERM EXPIRING AUGUST 31, 2015 - PRIOR to reading:

MARVIN Moved to amend Bill No. 08R-197 in the following manner:
On page 1, line 3, after the word "term" insert the following:
commencing October 1, 2008 and.

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 Ken Svoboda, who moved its adoption:

A-84985 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Maja Viklands Harris to the Library Board for a seven-year term commencing October 1, 2008 and expiring August 31, 2015 is hereby approved.

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2744 FOR A CLASS B LIQUOR LICENSE AT 4335 N. 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84986 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Casey's Retail Company dba Casey's General Store 2744 for a Class "B" liquor license at 4335 N. 70th Street, Lincoln, Nebraska, for the license period ending April 30, 2009, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF TINA M. KRINGS FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2744 AT 4335 N. 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84987 WHEREAS, Casey's Retail Company dba Casey's General Store 2744 located at 4335 N. 70th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Tina M. Krings be named manager;

WHEREAS, Tina M. Krings appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Tina M. Krings be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND BOYCE CONSTRUCTION, INC. FOR THE DEVELOPMENT OF THE PROPERTY LOCATED AT NORTH 14TH STREET AND SUPERIOR STREET SUBJECT TO RESTRICTIONS ON MAXIMUM DENSITY, DRIVE ACCESS TO NORTH 14TH STREET, AND A DRIVE ACCESS TO THE NORTH BOUNDARY OF THE PROPERTY TO BE COMPATIBLE WITH THE ADJACENT RESIDENTIAL NEIGHBORHOOD. (RELATED ITEMS: 08R-193, 08-111) (ACTION DATE: 9/8/08) - PRIOR to reading:

MARVIN Moved to place Bill No. 08R-193 on pending indefinitely.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CHANGE OF ZONE 08036 - APPLICATION OF BOYCE CONSTRUCTION FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON APPROXIMATELY 29,227 SQ. FT. GENERALLY LOCATED AT N. 14TH STREET AND SUPERIOR STREET. (RELATED ITEMS: 08R-193, 08-111)- PRIOR to reading:

MARVIN Moved to place Bill No. 08R-193 on pending indefinitely.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

PUBLIC HEARING RESOLUTIONS

ADOPTING THE 2008/09 CITY OF LINCOLN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FY 2008/09 - 2013/14 - PRIOR to reading:

MARVIN Moved to amend Bill No. 08R-177 by accepting Bill No. 08R-177S as the Substitute Resolution.

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

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

A-84988 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 7, 2008; 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 11, 2008 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, 2008, 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 2008-09 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 established Fund #230 to be known as the Fast Forward Fund, the purpose of which is to make funds available for economic development projects where: (1) there is a demonstrated benefit to the community, and/or (2) where incentive(s) can positively influence the outcome of a project. Economic development includes, but is not limited to, the purchase, construction, rehabilitation, development, and/or conservation of property and neighborhoods; recruitment, retention, and/or

expansion of businesses; infrastructure; financial assistance and expenses; and special projects and events. The eligibility and amount of incentive must be approved on a case by case basis jointly by the Mayor and majority of the City Council. It is determined that a surplus of \$235,000 exists within the Special Assessment Revolving (Debt Service) and such surplus shall be transferred to the Fast Forward Fund hereby created by this resolution. There is hereby appropriated all money now credited or which will be credited to the Fast Forward Fund notwithstanding any sum limitation set forth in the budget attached hereto.

- 16. It is determined that a surplus of \$545,009 exists within the Special Assessment Revolving (Debt Service) and such surplus shall be transferred to the General Fund. There is hereby appropriated all money now credited or which will be credited notwithstanding any sum limitation set forth in the budget attached hereto.
- 17. 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.
- 18. There is hereby appropriated KENO proceeds for mandated payments, and 1% for administrative fees.
- 19. 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.
- 20. 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:

	Appropriated <u>Amount-90%</u>	Total Tax As <u>Levied-100%</u>	Per \$100 <u>Market Value</u>
General	\$25,904,548	\$28,782,831	0.18062
Library	\$5,678,004	\$6,308,893	0.03959
Social Security	\$1,854,423	\$2,060,470	0.01293
Police & Fire Pension	\$2,882,745	\$3,203,050	0.02010
Bond and Interest Redemption	\$4,968,074	\$5,520,082	0.03464

- 21. There is hereby authorized the transfer to the appropriate reserve accounts of all encumbrances, including accrued payroll, for the fiscal year ending August 31, 2008, together with any monies previously so reserved.
- 22. 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.
- 23. 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.
- 24. 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.
- 25. 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, 2007 was \$26,646,866. This August 31, 2007 unreserved balance is 23.1% of the General Fund budget for 2008-09 of \$115,486,686 included in this resolution. The August 31, 2007 unreserved balance was 3.1% greater than the 20% goal for such balance set by Resolution A-82134.
- 26. There is hereby established Fund #112 to be known as the Parks and Recreation Maintenance and Repair Fund, the purpose of which is to make funds available for maintenance and repair of Parks and Recreation property and facilities. The revenues received from the rental of park land for telecommunication towers are hereby designated to be credited to the Parks and Recreation Maintenance and Repair Fund. There is hereby appropriated all monies now credited or which will be credited to the Parks & Recreation

Maintenance and Repair Fund, notwithstanding any sum limitations set forth in the budget attached hereto.

27. That the appropriations for the following items be transferred effective August 31, 2008 up to the following amounts:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 18002.5856	General Expense/City Share of Downtown Maint.	\$37,865
0403B.5021	Police/Operations Salaries	
		\$1,530
To: 413536.6137	Urb. Dev. Street Tree Replacement CIP Proj.	\$39,395
	(also increases 13001.9234 U.D. CIP Transf.)	
From: 414113.6132	Library C.I.P./Bennett Martin Roof	\$28,629
To: 414110.5621	Library C.I.P./Arnold Library	\$28,629
From: 0403B.5021	Police/Operations/Salaries	
		\$387,300
To: 03001.5021	Law/Salaries	\$70,000
09004.5021	Parks & Rec./Carpentry Maint../Salaries	\$17,300
19001.5637	Inter-fund Transfers/Engineering Services	\$300,000

28. That the cash for the following items be transferred effective August 31, 2008:

From: 10005.9220	Personnel/Risk Mgmt./Workers Comp. Fund	\$20,000
To: 10011.9140	Personnel/Risk Mgmt./Excess Self Ins. Fund	\$20,000
From: 78439.9220	2005 Stormwater Fund	\$610,000
To: 18008.9140	Bond Interest & Redemption Fund	\$610,000

29. That cash and appropriations up to the following amounts for the following items be transferred effective August 31, 2008:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 0403B.5021	Police/Operations/Salaries	\$222,000
To: 79500.5253	StarTran Fleet/Fuel Oper. Vehicles	\$125,000
	(also increases 19001.9225)	
06014.5021	Finance/911 Communications/Salaries	\$100,000
	(also increases 19001.9226)	
13001.5021	Urban Development/Salaries	\$7,000
From: 18002.9220	General Expense/Cash Transfers Out	\$5,981
To: 295063.9140	NW Corridors Blight Study/Cash Transfers In	\$5,981

30. That the following unexpended appropriations are reappropriated effective August 31, 2008 up to the following amounts:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
18002.5624	General Expense/Auditing Service	\$100,316
06021.5874	Information Services/Software Maintenance	\$11,266
18002.5878	General Expense/Problem Resolution Team	\$16,615
01001.5989	City Council/Misc. Other Serv. & Charges	
8002.5856	General Expense/City Share of Downtown Maintenance	\$38,875
18002.5659	General Expense/Oracle Financial System	\$81,786
18002.6024	General Expense/City Share-Impact Fees (Low Income)	\$131,128
06065.6076	Finance/Radio Shop/Misc. Equipment	\$5,245
06065.6085	Finance/Radio Shop/Radio Equipment	\$77,268
09250.9246	Parks/KENO/Unprogrammed KENO Appropriations	\$26.10
09250.5621	Parks/KENO/Misc. Contractual	\$16,571
0402B.6069	Police/Admin. Sup./D.P. Equip.	\$25,509
0402B.6076	Police/Admin. Sup./Misc. Equip.	\$2,122
0402B.6062	Police/Admin. Sup./Audio-Visual Equipment	\$198,578
0402B.6072	Police/Admin. Sup./Furniture & Fixtures	\$1,877
18002.5621	Gen. Expense/Misc. Contr.	\$171,263
08001.5633	Bldg. & Safety/Admin.	\$113,548
12111.5926	Health/CHS Admin./Rent of Software	\$168,965
18002.5998	General Expense/Witness Fees	\$30,277
18002.5970	General Expense/Court & Litigation	\$27,239
18002.5642	General Expense/Legal Services	\$91,356
17004.5638	Com. Health Endowment/Grants	\$1,100,000
18002.5865	General Expense/Minor Bldg. & Grounds Improve.	\$20,000
18002.6144	General Expense/Spec. Assessments/Sidewalks	\$116,047
70315.6998	P.W. & U./Water/AVL System Equipment	\$30,000
70600.6998	P.W. & U./Water/AVL System Equipment	\$4,058
04125.6085	Police/Police Garage/Radio Equipment	\$17,893
79110.6076	Public Works & Util./St. Maint./Drainage/	\$6,701
08001.5761	Building & Safety/Microfilming	\$45,000

31. That unencumbered appropriations and cash (where necessary) from the budget for the fiscal year beginning September 1, 2007 be transferred and reappropriated up to the following amounts effective August 31, 2008:

From: 18002.5081	General Expense/Health Insurance	\$206,397
To: 09029.5021	Parks & Rec./Salaries	\$41,078
02001.5021	Health/Animal Control/Salaries	\$39,324
12111.5021	Health/Salaries	\$64,551
02002.5021	Mayor/Aging	\$24,145
79000.5021	Public Works & Utilities/Salaries	\$10,255
09029.5821	Parks & Rec./Electricity	\$22,044

- 18140.5825 Willard Community Center \$5,,000
32. That \$40,000 of unappropriated KENO fund balances are hereby appropriated to 414111.6139 Gere Library Parking Lot project. This also increases the C.L.P. Transfer (14004.9232).
33. The following appropriations are hereby transferred effective September 1, 2008:
- From: 18002.5682 General Expense/School Age Programs \$40,000
To: 09002.5924 Parks & Rec./Parks Admin./Rent of Mach. & Equip. \$40,000

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, 2008 up to the amount shown below:

<u>FUND</u>	<u>AMOUNT</u>
General	\$2,240,000
Health	\$100,000
Animal Control	\$58,000
Library	\$175,000
Aging	\$160,000

34. 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 Ken Svoboda

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

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES THROUGH FISCAL YEAR 2009 - PRIOR to reading:

ESCHLIMAN Moved to Amend Bill No. 08R-191 by reducing the rate increase by 1%.

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

Camp, Cook, Eschliman, Marvin; NAYS: Emery, Spatz, Svoboda.

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

A-84989 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 4% increase for Fiscal Year 2008-09; a 6% increase for Fiscal Year 2009-10; and a 4% increase for Fiscal Year 2010-11.

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, 2008, and ending January 15, 2009, 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.

~~117.5~~ 116.0 cents per 100 cubic feet for the first 800 cubic feet of water used per dwelling unit each month.

~~167.0~~ 165.0 cents per 100 cubic feet for the next 1500 cubic feet of water used per dwelling unit each month.

~~258.0~~ 256.0 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:

~~117.5~~ 116.0 cents per 100 cubic feet for the first 8000 cubic feet of water used per month.

~~167.0~~ 165.0 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:

~~112.0~~ 110.0 cents per 100 cubic feet for water usage less than base to 5% above base.

~~116.0~~ 114.0 cents per 100 cubic feet for water usage 5% - 15% above base.

~~120.0~~ 118.0 cents per 100 cubic feet for water usage 15% - 25% above base.

~~124.0~~ 122.0 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:

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

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

WATER RATES TO CUSTOMERS OUTSIDE
THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the water system of the City of Lincoln shall pay 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-84484, adopted by the City Council on August 23, 2007, is hereby superseded.

Introduced by Ken Svoboda

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

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES THROUGH FISCAL YEAR
2009 - PRIOR to reading:

ESCHLIMAN Moved to Amend Bill No. 08R-192 by reducing the rate
increase by 1%.

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

Camp, Cook, Eschliman, Marvin; NAYS: Emery, Spatz, Svoboda.

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

A-84990 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 4% increase for Fiscal Year 2008-09; a 6% increase for Fiscal Year 2009-10; and a 5% increase for Fiscal Year 2010-11.

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, 2008, 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 ~~164.0~~ 162.0 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-84485, adopted by the City Council on August 23, 2007 is hereby superseded.

Introduced by Ken Svoboda

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

COMP. PLAN CONFORMITY 08018 - APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE NORTHWEST CORRIDORS REDEVELOPMENT PLAN WITHIN THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK FOR CONSTRUCTION OF AN OFFICE/COMMERCIAL BUILDING OF APPROXIMATELY 150,000 SQUARE FEET, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF W. HIGHLAND BLVD. AND DISCOVERY DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84991 WHEREAS, the City Council on October 23, 2006, adopted Resolution No. A-84082 finding an area generally bounded by Sun Valley Boulevard from West O Street to Cornhusker Highway, along Cornhusker Highway from I-180 to N.W. 12th Street, along N.W. 12th Street from Cornhusker Highway to Highlands Boulevard, Highlands Boulevard from N.W. 12th Street to N.W 1st Street, and West Superior Street from N.W. 1st Street to I-180 (Northwest Corridors Redevelopment Area) to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the Northwest Corridors Redevelopment Plan (hereinafter the "Northwest Corridors Redevelopment Plan" or "Plan") including plans for various redevelopment projects within said blighted and substandard area in accordance with the requirements and procedures of the Nebraska Community Development Law; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk proposed amendments to the Plan (hereinafter the "Amendments") for said blighted and substandard area contained in the document entitled "Proposed Amendment to the Northwest Corridors Redevelopment Plan University of Nebraska Technology Park Project 2", which is attached hereto, marked as Attachment "A", and made a part hereof by reference; and

WHEREAS, the Director of Urban Development has reviewed said Amendments and has found that if adopted the Amendments and the Plan meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (2006 Cum. Supp.); and

WHEREAS, said proposed Amendments to the Northwest Corridors Redevelopment Plan have been submitted to the Lincoln City - Lancaster County Planning Commission for review and recommendation; and

WHEREAS, on July 18, 2008 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on July 30, 2008 before the Lincoln City - Lancaster County Planning Commission regarding the Amendment, a copy of said notice and list of said governing bodies and registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission on July 30, 2008 held a public hearing relating to the proposed Amendment to the Northwest Corridors Redevelopment Plan and found the Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on August 13, 2008 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on August 25, 2008 regarding the proposed Amendment, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on August 8, 2008 and August 15, 2008, a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on August 25, 2008 regarding the proposed Amendment to the Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on August 25, 2008 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Amendments to the Northwest Corridors Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendments to the Plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed plans; and

WHEREAS, the City Council now desires to modify said Plan by establishing the "University of Nebraska Technology Park Project 2" located generally southwest of W. Highland Boulevard and Discovery Drive, to accommodate the future the development of an office/commercial building of approximately 150,000 square feet located on approximately 21.7 acres.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That University of Nebraska Technology Park Project 2 is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the University of Nebraska Technology Park Project 2 into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the Northwest Corridors Redevelopment Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That the University of Nebraska Technology Park Project 2 would not be economically feasible without the use of tax-increment financing.

6. That said the University of Nebraska Technology Park Project 2 would not occur in the Redevelopment Area without the use of tax-increment financing.

7. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That, pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, The Amendments to the Northwest Corridors Redevelopment Plan attached hereto as Attachment "A", establishing the University of Nebraska Technology Park Project 2, are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described amendments.

3. That the Urban Development Director, or the Director's authorized representative, is hereby authorized and directed to contact the owners and tenants of those properties listed herein for the purpose of negotiation of contracts or options for the acquisition of all interests in said real estate in accordance with the land acquisition procedures of the City of Lincoln; and

to take all steps necessary for the acquisition of said property by purchase, if possible.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds, including Community Improvement Financing in accordance with the Community Development Law, to finance the related necessary and appropriate public acquisitions, improvements, and activities set forth in said Amendments to the Northwest Corridors Redevelopment Plan.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental to the findings, approvals, and authorizations as set forth in Resolution No. A-84082 and Resolution No. A-84099.

Introduced by Ken Svoboda

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

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN "M" CLASS EMPLOYEES ASSOCIATION EFFECTIVE AUGUST 21, 2008 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84992 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln "M" Class Employees Association, to be effective August 21, 2008, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Ken Svoboda

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

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN CITY EMPLOYEES ASSOCIATION (LCEA) EFFECTIVE AUGUST 21, 2008 - PRIOR to reading:

SVOBODA Moved to amend the contract attached to Bill No. 08R-199 in the following manner:

1. On page 25, amend line 5 of Section 3, FUNERAL LEAVE, by deleting the word "three" between the words "allowed" and "four".

Seconded by Emery & carried by the following vote: AYES:

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

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

A-84993 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln City Employees Association, to be effective August 21, 2008, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Ken Svoboda

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

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE PUBLIC ASSOCIATION OF GOVERNMENT EMPLOYEES (PAGE) EFFECTIVE AUGUST 21, 2008 - PRIOR to reading:

SVOBODA Moved to amend the contract attached to Bill No. 08R-200 in the following manner:

1. On page 22, amend line 2 of Section 1.C, FAMILY ILLNESS, by inserting the word "hours" between "(60)" and "per".

2. On page 36, amend the table in Section 2, LONGEVITY, by deleting the middle column entitled "Annual Pay 1st Year (2005)" in its entirety.

3. On page 43, amend Section 1, HEALTH CARE PLAN, by deleting the following language found on lines 6 through line 11:

"Beginning with the new rates in 2005, if an employee elects 2/4 party or family coverage, the City shall contribute an amount equal to eighty-two percent (82%) of the monthly cost of coverage and the employee's contribution shall equal eighteen percent (18%) of the monthly cost of coverage. Beginning with the new rates in 2006,"

and beginning a new sentence thereafter by capitalizing the "i" in the word "If".

Seconded by Emery & carried by the following vote: AYES:

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

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

A-84994 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 Public Association of Government Employees (PAGE), to be effective August 21, 2008, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Ken Svoboda

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A NORTH 56TH STREET AND I-80 REDEVELOPMENT PLAN TAX ALLOCATION BOND, SERIES 2008, IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$5,500,000 - CLERK read an ordinance, introduced by Jon Camp, authorizing and providing for the issuance of a City of Lincoln, Nebraska Tax Allocation Bond, Series 2008, in a principal amount not to exceed \$5,500,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's North 56th Street and Arbor Road Redevelopment Project area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bond; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bond as the same become due; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bond not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters be it ordained by the Council of the City of Lincoln, Nebraska the first time.

VACATION 08003 - VACATING THE NORTH/SOUTH ALLEY BETWEEN N. 60TH STREET AND N. 61ST STREET NORTH OF SEWARD AVENUE - CLERK read an ordinance, introduced by Jon Camp, vacating the north-south alley between N. 60th Street and N. 61st Street, north of Seward Avenue, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

COMP. PLAN CONFORMITY 08019 - DECLARING APPROXIMATELY 4,511 SQUARE FEET OF CITY OWNED PROPERTY GENERALLY LOCATED AT SOUTH 1ST STREET AND L STREET (348 S. 1ST STREET) AS SURPLUS - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 4,511 square feet of City-owned property generally located at South 1st Street and L Street (348 South 1st Street) as surplus and authorizing the sale thereof, the first time.

COMP. PLAN CONFORMITY 08020 - DECLARING APPROXIMATELY 3,588 SQUARE FEET OF CITY OWNED PROPERTY GENERALLY LOCATED AT SOUTH 5TH STREET AND G STREET (447 G STREET) AS SURPLUS - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 3,588 square feet of City-owned property generally located at South 5th Street and G Street (447 G Street) as surplus and authorizing the sale thereof, the first time.

COMP. PLAN CONFORMITY 08021 - DECLARING APPROXIMATELY 12,200 SQUARE FEET OF CITY OWNED PROPERTY GENERALLY LOCATED AT NORTH 23RD STREET AND P STREET AS SURPLUS - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 12,200 square feet of City-owned property generally located at North 23rd Street and P Street as surplus and authorizing the sale thereof, the first time.

MISC. 08009 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS TO ADOPT NEW DESIGN STANDARDS FOR OUTDOOR LIGHTING BY REPEALING CHAPTER 2.30 - STREET LIGHTING DESIGN STANDARDS; BY REPEALING SECTION 8 OF CHAPTER 3.00, ENVIRONMENTAL PERFORMANCE STANDARDS FOR B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, B-5 PLANNED REGIONAL BUSINESS DISTRICT, I-3 INDUSTRIAL PARK DISTRICT, I-3 EMPLOYMENT CENTER DISTRICT AND O-3 OFFICE PARK DISTRICT; BY REPEALING SECTION 3.8, PERFORMANCE STANDARDS FOR OUTDOOR NIGHT TIME LIGHTING, OF CHAPTER 3.45, DESIGN STANDARDS FOR PARKING LOTS; BY REPEALING SECTION 5, OUTDOOR RECREATIONAL LIGHTING, OF CHAPTER 3.55, DESIGN STANDARDS FOR RECREATIONAL FACILITIES; BY AMENDING CHAPTER 3.100, DESIGN STANDARDS FOR OUTDOOR LIGHTING, TO DELETE EXISTING PROVISIONS AND TO ADOPT GENERAL PROVISIONS IN SECTION 1, MATERIALS AND METHODS OF INSTALLATION IN SECTION 2, DEFINITIONS IN SECTION 3, CLASS I LIGHTING (GENERAL) PROVISIONS IN SECTION 4, CLASS II LIGHTING

(ACCENT/DECORATIVE) PROVISIONS IN SECTION 5, CLASS III LIGHTING (STREET LIGHTING) PROVISIONS IN SECTION 6, CLASS IV LIGHTING (OUTDOOR RECREATIONAL FACILITIES) PROVISIONS IN SECTION 7, CLASS V LIGHTING (SALT CREEK TIGER BEETLE ENVIRONS) PROVISIONS IN SECTION 8, LIGHT TRESPASS AND GLARE IN SECTION 9, SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE IN SECTION 10, INSTALLATION IN SECTION 11, PERMANENT EXEMPTIONS IN SECTION 12, AND TEMPORARY EXEMPTIONS IN SECTION 13. (RELATED ITEMS: 08R-201, 08-116) (ACTION DATE: 9/15/08)

CHANGE OF ZONE 08039 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.41.030 TO REQUIRE LIGHTING ASSOCIATED WITH THE STORAGE OF VEHICLES FOR SALE AND RESALE IN THE FRONT YARD TO COMPLY WITH THE DESIGN STANDARDS FOR OUTDOOR LIGHTING; AMENDING SECTION 27.43.030 TO REQUIRE LIGHTING IN THE FRONT YARD ASSOCIATED WITH AUTOMOBILE SALES AND REPAIR, BUT NOT INCLUDING VEHICLE BODY REPAIR SHOPS, TO COMPLY WITH THE DESIGN STANDARDS FOR OUTDOOR LIGHTING; AMENDING SECTION 27.63.130 TO REQUIRE OUTDOOR LIGHTING FOR RECREATIONAL FACILITIES TO COMPLY WITH THE DESIGN STANDARDS FOR OUTDOOR LIGHTING; AMENDING SECTION 27.63.170 TO DELETE A REDUNDANT PROVISION REQUIRING ANY LIGHTING FACILITY FOR PARKING LOTS PERMITTED BY SPECIAL PERMIT IN THE R-1 THROUGH R-8 DISTRICTS AND IN THE O-2 DISTRICT TO COMPLY WITH ADOPTED DESIGN STANDARDS; AMENDING SECTION 27.67.100 TO REQUIRE LIGHTING FOR PARKING LOTS TO COMPLY WITH THE DESIGN STANDARDS FOR OUTDOOR LIGHTING; AND REPEALING SECTIONS 27.41.030, 27.43.030, 27.63.130, 27.63.170 AND 27.67.100 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 08R-201, 08-116) - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.41.030 to require lighting associated with the storage of vehicles for sale and resale in the front yard to comply with the Design Standards for Outdoor Lighting; amending Section 27.43.030 to require lighting in the front yard associated with automobile sales and repair, but not including vehicle body repair shops, to comply with the Design Standards for Outdoor Lighting; amending Section 27.63.130 to require outdoor lighting for recreational facilities to comply with the Design Standards for Outdoor Lighting; amending Section 27.63.170 to delete a redundant provision requiring any lighting facility for parking lots permitted by special permit in the R-1 through R-8 districts and the O-2 district to comply with adopted design standards; amending Section 27.67.100 to require lighting for parking lots to comply with the Design Standards for Outdoor Lighting; and repealing Sections 27.41.030, 27.43.030, 27.63.130, 27.63.170 and 27.67.100 of the Lincoln Municipal Code as hitherto existing, the first 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 THE PERMIT FEES REQUIRED UNDER THAT CHAPTER AND TO PROVIDE LATE FEES AND ACTIONS TO BE TAKEN FOR FAILURE TO RENEW A PERMIT BEFORE IT EXPIRES; AMENDING SECTION 5.41.060 TO INCREASE THE OCCUPATION TAX LEVIED UPON SALVAGE OPERATIONS AND COMMERCIAL COMPOSTING OPERATIONS; AMENDING SECTION 5.41.070 TO PROVIDE A PERCENTAGE BASED LATE FEE ON OCCUPATION TAX PAYMENTS AND TO PROVIDE THAT A PERMIT HOLDER FAILING TO PAY SAID OCCUPATION TAX BEFORE IT IS DUE SHALL BE SUBJECT TO CLOSURE OR OTHER APPROPRIATE ACTION BY THE HEALTH DIRECTOR; AND REPEALING SECTIONS 5.41.050, 5.41.060, AND 5.41.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 5.41 of the Lincoln Municipal Code relating to Salvaging, Recycling, and Composting Operations by amending Section 5.41.050 to increase the permit fees required under that chapter and to provide late fees and actions to be taken for failure to renew a permit before it expires; amending Section 5.41.060 to increase the occupation tax levied upon salvage operations and commercial composting operations; amending Section 5.41.070 to provide a percentage based late fee on occupation tax payments and to provide that a permit holder failing to pay said occupation tax before it is due shall be subject to closure or other appropriate action by the Health Director; and repealing Sections 5.41.050, 5.41.060, and 5.41.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION, BY AMENDING SECTION 8.06.145 TO INCREASE OPEN BURNING PERMIT FEES; AMENDING SECTION 8.08.060 TO INCREASE BODY ART ESTABLISHMENT PERMIT FEES AND TO DECREASE THE FEE FOR AN INITIAL BODY ART ESTABLISHMENT PERMIT ISSUED AFTER NOVEMBER 30 OF EACH YEAR FROM 70% TO 67% OF THE ANNUAL FEE; AMENDING SECTION 8.08.090 TO REVISE THE RENEWAL LATE FEES FOR BODY ART ESTABLISHMENTS TO BE A PERCENTAGE OF THE ANNUAL FEE; AMENDING SECTION 8.08.350 TO PROVIDE THE REINSTATEMENT FEE FOR SUSPENDED BODY ART ESTABLISHMENTS OR PRACTITIONERS TO BE 50% OF THE ANNUAL FEE; AMENDING SECTION 8.14.037 TO INCREASE THE PLAN REVIEW FEES AND CERTIFICATE OF COMPLIANCE FEES FOR CHILD CARE PROGRAMS AND TO DECREASE THE ANNUAL FEE PAID FOR NEW CERTIFICATES OF COMPLIANCE ISSUED AFTER JULY 31 OF EACH YEAR; AMENDING SECTION 8.20.150 TO INCREASE FOOD CODE PERMIT FEES AND TO DECREASE THE FEE FOR A NEW FOOD ESTABLISHMENT ISSUED AFTER NOVEMBER 30 OF EACH YEAR; AMENDING SECTION 8.20.160 TO REVISE THE FOOD CODE LATE FEES TO BE A PERCENTAGE OF THE ANNUAL FEE; AMENDING SECTION 8.20.170 TO PROVIDE THE FOOD CODE REINSTATEMENT FEES TO BE 50% OF THE ANNUAL FEE; AMENDING SECTION 8.24.150 TO INCREASE PERMIT FEES FOR VARIANCES OF THE NOISE CONTROL ORDINANCE; AMENDING SECTION 8.38.090 TO INCREASE PUBLIC SWIMMING POOL PERMIT FEES AND TO ESTABLISH LATE FEES AND ENFORCEMENT ACTIONS TO BE TAKEN BY THE HEALTH DIRECTOR FOR LATE RENEWALS; AMENDING SECTION 8.40.070 TO INCREASE SPA FACILITY PERMIT AND INSPECTION FEES AND TO ESTABLISH FEES AND ENFORCEMENT ACTIONS TO BE TAKEN BY THE HEALTH DIRECTOR FOR LATE RENEWALS; AMENDING SECTION 8.44.070 TO INCREASE PERMIT FEES FOR WATER WELLS AND TO ESTABLISH FEES AND ENFORCEMENT ACTIONS TO BE TAKEN BY THE HEALTH DIRECTOR FOR LATE RENEWALS; AND REPEALING SECTIONS 8.06.145, 8.08.060, 8.08.090, 8.08.350, 8.14.037, 8.20.150, 8.20.160, 8.20.170, 8.24.150, 8.38.090, 8.40.070 AND 8.44.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon Camp, amending Title 8 of the Lincoln Municipal Code relating to health and sanitation, by amending Section 8.06.145 to increase open burning permit fees; amending Section 8.08.060 to increase body art establishment permit fees and to decrease the fee for an initial body art establishment permit issued after November 30 of each year from 70% to 67% of the annual fee; amending Section 8.08.090 to revise the renewal late fees for body art establishments to be a percentage of the annual fee; amending Section 8.08.350 to provide the reinstatement fee for suspended body art establishments or practitioners to be 50% of the annual fee; amending Section 8.14.037 to increase the Plan Review fees and Certificate of Compliance fees for child care programs and to decrease the annual fee paid for new certificates of compliance issued after July 31 of each year; amending section 8.20.150 to increase food code permit fees and to decrease the fee for a new food establishment issued after November 30 of each year; amending Section 8.20.160 to revise the food code late fees to be a percentage of the annual fee; amending Section 8.20.170 to provide the food code reinstatement fees to be 50% of the annual fee; amending Section 8.24.150 to increase permit fees for variances of the noise control ordinance; amending Section 8.38.090 to increase public swimming pool permit fees and to establish late fees and enforcement actions to be taken by the Health Director for late renewals; amending Section 8.40.070 to increase spa facility permit and inspection fees and to establish fees and enforcement actions to be taken by the Health Director for late renewals; amending Section 8.44.070 to increase permit fees for water wells and to establish fees and enforcement actions to be taken by the Health Director for late renewals; and repealing Sections 8.06.145, 8.08.060, 8.08.090, 8.08.350, 8.14.037, 8.20.150, 8.20.160, 8.20.170, 8.24.150, 8.38.090, 8.40.070 and 8.44.070 of the Lincoln Municipal Code as hitherto existing, the first 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; AMENDING SECTION 24.42.110 RELATING TO THE TRANSFER OF PROPERTY WITH ON-SITE SYSTEMS TO INCREASE THE FEE FOR EVALUATION AND REVIEW OF PROPERTY TRANSFER INSPECTOR REPORTS AND ANY NECESSARY SITE VISITS BY HEALTH DIRECTOR; AND REPEALING SECTIONS 24.38.070 AND 24.42.110 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon Camp, 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 relating to the

transfer of property with on-site systems to increase the fee for evaluation and review of Property Transfer Inspector reports and any necessary site visits by Health Director; and repealing Sections 24.28.070 and 24.42.110 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

VACATION 07010 - APPLICATION OF WRK, LLC, TO VACATE N. 11TH STREET SOUTH OF THE SOUTH RIGHT-OF-WAY OF Y STREET ADJACENT TO BLOCK 1, NORTH LINCOLN ADDITION, AND THE NORTH-SOUTH ALLEY ABUTTING LOTS 1, 2, 3, AND 4, BLOCK 1, DAVENPORT'S SUBDIVISION, GENERALLY LOCATED AT N. 11TH AND Y STREETS - CLERK read an ordinance, introduced by John Spatz, vacating the east half of North 11th Street south of "Y" Street adjacent to Lots 2 through 7, Block 1, Davenport's Subdivision; the remaining portion of the west half of North 11th Street south of "Y" Street abutting Lots 1 through 5 (extended), Block 1, North Lincoln Addition; and the north-south alley abutting Lots 1 through 4, Block 1, Davenport's Subdivision, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, 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 #19128, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08027 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY ADDING A NEW SECTION 27.25.080 TO PROVIDE THAT EACH APPLICATION FOR A BUILDING PERMIT IN THE O-1 OFFICE DISTRICT SHALL BE REVIEWED FOR COMPLIANCE WITH THE LINCOLN DOWNTOWN DESIGN STANDARDS; BY AMENDING SECTION 27.35.020 TO ADD PROHIBITED USES IN THE AREA OF THE B-4 LINCOLN CENTER BUSINESS DISTRICT FROM 150 FEET EAST OF 17TH STREET TO THE EASTERN EDGE OF SAID DISTRICT; AMENDING SECTION 27.35.025 TO DELETE RECYCLING CENTERS AS A PERMITTED CONDITIONAL USE IN THE B-4 DISTRICT AND TO ADD VEHICLE BODY REPAIR SHOPS AS A PERMITTED CONDITIONAL USE IN THE AREA 150 FEET EAST OF 17TH STREET TO THE WESTERN EDGE OF SAID DISTRICT; AMENDING SECTION 27.35.030 TO MODIFY EXISTING PROVISIONS REGARDING PERMITTED SPECIAL USES IN THE B-4 DISTRICT AND TO ADD SERVICE STATIONS AS A PERMITTED SPECIAL USE IN THE AREA OF THE B-4 DISTRICT FROM 150 FEET EAST OF 17TH STREET TO THE EASTERN EDGE OF SAID DISTRICT; AMENDING SECTION 27.35.070 TO MODIFY THE HEIGHT AND AREA REGULATIONS IN THE B-4 DISTRICT; ADDING A NEW SECTION 27.35.080 TO PROVIDE THAT EACH APPLICATION FOR A BUILDING PERMIT IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT SHALL BE REVIEWED FOR COMPLIANCE WITH THE LINCOLN DOWNTOWN DESIGN STANDARDS; AMENDING SECTION 27.63.180 TO MODIFY EXISTING PROVISIONS REGARDING PERMITTED SPECIAL USES IN THE B-4 DISTRICT AND TO ADD SERVICE STATIONS AS A PERMITTED SPECIAL USE IN THE AREA FROM 150 FEET EAST OF 17TH STREET TO THE EASTERN EDGE OF SAID DISTRICT; AMENDING SECTION 27.67.050 TO MODIFY SPECIAL PARKING CONDITIONS IN THE B-4 DISTRICT; AMENDING SECTION 27.69.070 TO ALLOW CERTAIN PERMITTED SIGNS IN THE B-4 DISTRICT BEGINNING 150 FEET EAST OF 17TH STREET AND CONTINUING TO THE WESTERN BOUNDARY OF SAID DISTRICT AND TO ALLOW CERTAIN PERMITTED SIGNS IN THE B-4 DISTRICT BEGINNING 150 FEET EAST OF 17TH STREET AND CONTINUING TO THE EASTERN BOUNDARY OF SAID DISTRICT; AND REPEALING SECTIONS 27.35.020, 27.35.025, 27.35.030, 27.35.070, 27.63.180, 27.67.050, AND 27.69.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 08-107, 08R-187, 08-108) - PRIOR to reading:

CAMP Moved to delay action on bill No. 08-107 for two weeks to 9/8/08.

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

Camp, Emery, Eschliman, Marvin, Svoboda; NAYS: Cook, Spatz.

CLERK Read an ordinance, introduced by John Spatz, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by adding a new Section 27.25.080 to provide that each application for a building permit in the O-1 Office District shall be reviewed for compliance with the Lincoln Downtown Design Standards; by amending Section 27.35.020 to add prohibited uses in the area of the B-4 Lincoln Center Business District from 150 feet east of 17th Street to the eastern edge of said district; amending Section 27.35.025 to delete recycling centers as a permitted conditional use in the B-4 district and to add vehicle body repair shops as a permitted conditional use in the area 150 feet east of 17th Street to the western edge of said district; amending Section 27.35.030 to modify existing provisions regarding permitted special uses in the

B-4 district and to add service stations as a permitted special use in the area of the B-4 district from 150 feet east of 17th Street to the eastern edge of said district; amending Section 27.35.070 to modify the height and area regulations in the B-4 district; adding a new Section 27.35.080 to provide that each application for a building permit in the B-4 Lincoln Center Business District shall be reviewed for compliance with the Lincoln Downtown Design Standards; amending Section 27.63.180 to modify existing provisions regarding permitted special uses in the B-4 district and to add service stations as a permitted special use in the area from 150 feet east of 17th Street to the eastern edge of said district; amending Section 27.67.050 to modify special parking conditions in the B-4 district; amending Section 27.69.070 to allow certain permitted signs in the B-4 district beginning 150 feet east of 17th Street and continuing to the western boundary of said district and to allow certain permitted signs in the B-4 district beginning 150 feet east of 17th Street and continuing to the eastern boundary of said district; and repealing Sections 27.35.020, 27.35.025, 27.35.030, 27.35.070, 27.63.180, 27.67.050, and 27.69.070 of the Lincoln Municipal Code as hitherto existing, the third time.

MISC. 08007 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING CHAPTER 1.00 REQUEST FOR WAIVER PROCEDURE, TO ADD A NEW SECTION 2.5 TO PROVIDE A SEPARATE PROCESS FOR WAIVERS FROM THE LINCOLN DOWNTOWN DESIGN STANDARDS, AND TO ADD A NEW CHAPTER 3.76 TO ADOPT LINCOLN DOWNTOWN DESIGN STANDARDS FOR EXTERIOR FEATURES OF PROJECTS REQUIRING BUILDING PERMITS IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT AND THE O-1 OFFICE DISTRICT. (RELATED ITEMS: 08-107, 08R-187, 08-108) (ACTION DATE: 8/25/08)- PRIOR to reading:
CAMP Moved to delay action on Bill No. 08R-187 for two weeks to 9/8/08.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Svoboda; NAYS: Cook, Spatz.

CHANGE OF ZONE 08026 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM R-6, R-7, AND R-8 RESIDENTIAL DISTRICTS TO B-4 LINCOLN CENTER BUSINESS DISTRICT; FROM I-1 INDUSTRIAL PARK DISTRICT, P PUBLIC USE DISTRICT AND B-3 COMMERCIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT; AND FROM R-6 RESIDENTIAL DISTRICT AND I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY IN THE ANTELOPE VALLEY AREA GENERALLY LOCATED FROM K STREET TO VINE STREET, FROM 17TH STREET TO 23RD STREET. (RELATED ITEMS: 08-107, 08R-187, 08-108) - PRIOR to reading:
MARVIN Moved to delay action on Bill No. 08-108 for two weeks to 9/8/08.

Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Svoboda; NAYS: Spatz.
CLERK Read an ordinance, introduced by John Spatz, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CHANGE OF ZONE 08037 - APPLICATION OF JOY A. SHIFFERMILLER FOR A CHANGE OF ZONE FROM R-7 RESIDENTIAL DISTRICT TO O-1 OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF S. 10TH STREET AND G STREET - CLERK read an ordinance, introduced by John Spatz, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to 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 #19129, is recorded in Ordinance Book #26, Page

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE LANCASTER COUNTY AGRICULTURAL SOCIETY RELATING TO THE ANNEXATION OF APPROXIMATELY 160 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND HAVELOCK AVE - PRIOR to reading:

MARVIN Moved amendment No. 4 to Bill No. 08R-160 by adopting the "Substitute Memorandum of Understanding" as Attachment "A".
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
CLERK Read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84995 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Memorandum of Understanding, which is attached hereto marked as Attachment "A" and made a part hereof by reference, between the Lancaster County Agricultural Society and the City of Lincoln, Nebraska, outlining certain conditions and understandings relating to the annexation of approximately 160 acres of property generally located at North 84th Street and Havelock Avenue, is approved.

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

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Memorandum of Understanding to Rick Peo, Chief Assistant City Attorney, for distribution to the Lancaster County Agricultural Society.

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

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Hansen, Impact Fee Administrator.

Introduced by Dan Marvin

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

COMP. PLAN AMENDMENT 08014 - AMENDING THE 2030 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO DESIGNATE LAND LOCATED AT THE SOUTHEAST CORNER OF NORTH 84TH STREET AND HAVELOCK AVE. AS COMMERCIAL IN THE LAND USE PLAN - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84996 WHEREAS, the Planning Director, on behalf of the Lancaster County Agricultural Society, Inc. has made application to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to change the land designation in the Land Use Plan for approximately 12 acres of land on the southeast corner of 84th Street and Havelock Avenue from Green Space and Public and Semi-Public to Commercial and to make associated amendments to the Comprehensive Plan; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of the requested change from Green Space and Public and Semi-Public to Commercial subject to execution of a Memorandum of Understanding between the Lancaster County Agricultural Society, Inc. and the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2030 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lancaster County Future Land Use Plan on page 17 and the Lincoln Area Future Land Use Plan on page 19 to change the land use designation on approximately 12 acres of land on the southeast corner of 84th Street and Havelock Avenue from Green Space and Public and Semi-Public to Commercial use as shown in the exhibit attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendments.

Introduced by Ken Svoboda

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

ANNEXATION 08004 - APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. TO AMEND THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 29.07 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND HAVELOCK AVE. - CLERK read an ordinance, introduced by Ken Svoboda, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered #19130, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08025 - APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH 84TH STREET AND HAVELOCK AVE. - CLERK Read an ordinance, introduced by Ken Svoboda, 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.

SVOBODA Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES:
Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19131, is recorded in Ordinance Book #26,
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REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Richard Esquivel, 733 W. Cumings St., came forward to express concerns about the 2015 Downtown Project. He stated that Lincoln lost another air carrier, Alegent Air, to Grand Island so he questioned how is Lincoln going to get people here without a vibrant airport. He feels that if the arena is a public building built by public dollars how can the University demand that alcohol not be served at their events.

Robin Eschliman, Council Member, noted the Convention Center is to be privately owned not a public facility.

This matter was taken under advisement.

Ken Svoboda, Council Member, publicly thanked Carol Connor, Library Director, for her years of service as she retires.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to remove Bill No. 08-5 from Pending to have Public Hearing on 9/15/08 and Action on 9/22/08.

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

CAMP Moved to extend the Pending List to September 8, 2008.

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

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on September 8, 2008.

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

ADJOURNMENT 8:05 P.M.

CAMP Moved to adjourn the City Council meeting of August 25, 2008.

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

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant