

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 8, 2008 AT 1:30 P.M.**

The Meeting was called to order at 1:30 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

SVOBODA Having been appointed to read the minutes of the City Council proceedings of August 25, 2008 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.

MAYOR'S AWARD OF EXCELLENCE

MAYOR'S AWARD OF EXCELLENCE FOR THE MONTH OF AUGUST 2008 WAS PRESENTED TO FRED FLEMING, GUY LAHNERS AND RANDY WINCH - TEAM FROM THE PUBLIC WORKS & UTILITIES-STREET MAINTENANCE OPERATIONS DIVISION IN THE CATEGORY OF SAFETY - Mayor Chris Beutler came forward to present the award and explain the safety procedures implemented to a new wastewater video truck in an effort to maximize safety and increase visibility to motorists passing the parked vehicle during sewer main video inspections. In addition to a factory-installed, roof-mounted beacon, the team arranged, improved and installed light boxes on the front and rear of the truck and happily there have been no accidents since.

Jerry Morris, Public Works & Utilities TV Inspection Supervisor, came forward providing photos indicating the team's constructive changes to provide maximum lighting to alert motorists.

Mr. Fleming, PW&U Garage Supervisor, came forward on behalf of his team members to accept the award in appreciation.

PUBLIC HEARING

CLERK Requested a motion to have Council waive the rules of order to have Bill Nos. 08-0118, 08-119, 08-120, 08R-208 and 08R-209 grouped together to have Public Hearing under Resolutions.

COOK So moved.

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

APPLICATION OF HY-VEE, INC., DBA HY-VEE #1 FOR A CLASS D LIQUOR LICENSE AT 5010 O STREET;

MANAGER APPLICATION OF MATTHEW T. LUDWIG FOR HY-VEE, INC. DBA HY-VEE #1 AT 5010 O STREET - Matthew T. Ludwig, 1110 Lamplighter Lane, came forward to take oath and answer questions.

This matter was taken under advisement.

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 - Steve Masters, Public Utilities Administrator, came forward to provide a brief global perspective on the project as it encompasses an area generally between North 56th & 70th Streets and Salt Creek & Interstate 80. He said the water, sewer and street projects make use of a TIF Bond to help with construction costs and the obligations for the sanitary sewer & water mains were planned to make use of about \$2 million in TIF.

Mike Eckert, Civil Design Group, came forward to state this project is a combination of Capital Improvement dollars and now Tax Increment Financing dollars. He said the sewer main will extend from Alvo Road up to Arbor Road serving a number of existing businesses and provide sewer up to the North Bluff Employment Center, currently marketed by the City. In answer to Council questions about the project history, he stated the Blight Study was approved in June 2006, and the 15-year clock to collect the tax increment started in 2007. He stated as these are developer-purchased bonds, the first stage will be the sewer line from Alvo to Arbor. Mr. Eckert said developers will not get ahead of themselves doing only projects as they know they have enough increment for.

Lauren Wismer, Gilmore & Bell Bond Counsel, 1248 O Street, Suite 710, came forward to explain the ordinance amendments in the following way: 1) in addition to allowing the developers to purchase the tax increment bonds, it also allows a third party, mutually agreed by the City & Developer, to purchase the bonds; 2) make sure when bonds are issued it is in the amount of the lesser of the costs of the improvements made or the available increment. He said determined by the City, the bonds can be issued from time to time. In explanation of the third party, he said a financial institution may potentially be the owner of the bonds. He clarified when offering securities to the public the 80% is a good guideline; in this instance the amount may go over 80% dependent upon the comfort level, sophistication of the purchaser and their willingness to assume risk as the bonds are paid out of the tax increment.

This matter was taken under advisement.

VACATION 08003 - VACATING THE NORTH/SOUTH ALLEY BETWEEN N. 60TH STREET AND N. 61ST STREET NORTH OF SEWARD AVENUE - Randall Elikier, 620 S. 25th St., came forward to explain the reason for the vacation and request that the alley approach be retained for City and private use.

Aileen Elikier, 5045 Holdrege St., property owner, came forward in support of the alley vacation.

Chad Blahak, Public Works & Utilities, came forward to state in special circumstances, a property owner can buy an entire vacation so as to retain an existing drive approach.

In rebuttal, Mr. Elikier came forward to state the adjoining property owner installed a chain-link fence up to and signed off on ownership of their half of the alley.

Marvin Krout, Director of Planning, came forward to explain that Urban Development valued the property at \$100, which was paid and placed on file with the City Clerk prior to scheduling on the City Council agenda.

Clint Thomas, Urban Development - Real Estate Division, came forward to clarify that the property was valued at 15 cents per square foot with a minimum payment of \$100, or in full at about \$400.

Due to new information, Mr. Elikier was allowed to come forward in final rebuttal to state he would pay the \$400.

This matter was taken under advisement.

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;

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;

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 - Steve Werthmann, Urban Development, came forward to state these three properties are unbuild-able due to either lot dimensions or easements and it would be to the City's benefit to return them to the tax rolls. He said the reason for the surplus of 348 S. 1st and 447 G would be to ready them to be sold to potential buyers when the time comes; their value being minimal as they are in the floodplain. He said 23rd & P will be sold to NeighborWorks as part of their Antelope Village

project. In answer to a Council question on value, Mr. Werthmann responded the City would prefer not to create a ceiling on price as it would affect negotiations with interested individuals. He agreed with Council that a Community Garden on 1st Street is a possibility.

Michael Snodgrass, NeighborWorks-Lincoln, came forward to state the Antelope Village Project is projected to be a mixed-use, mixed-income housing development with possible placement of their office parking lot on the unbuild-able property. He said if the final piece is successfully acquired they would consolidate their north/south offices into one, provide small retail space immediately adjacent and build condos above. Mr. Snodgrass said increasing home-ownership into the neighborhood will be a stabilizing force along O Street, 17th to 27th Streets.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing KTR Development, LLC, owner of the property immediately to the east of this parcel since 1995 and another parcel in 1997. He said that only recently were they made aware of the declaration of surplus and his client would like an opportunity to be a party to the negotiations to purchase this property and incorporate it into a project of their own.

Tom Shriner, Member of KTR Development, LLC, 1501 N. 57th St., came forward to state their interest has grown in the area as the Antelope Valley Project has progressed. He expressed disappointment that as an adjoining property owner along an adjoining line of 142 feet, they were never notified of the declaration of surplus.

Marvin Krout, Director of Planning, came forward to state that the Planning Commission does not do notification but plays a role to determine that surplussing the property is consistent with the comprehensive plan. He continued to state that upon that determination, Urban Development plays a role in requesting it to be surplus property following their policy of notification.

Mr. Werthmann came forward to answer Council questions stating that they do not proceed with the surplus process until approached by an interested party. He said that regarding this property, through the years their Department has only received several requests from NeighborWorks-Lincoln. He said he was not aware of another interested party.

David Landis, Director of Urban Development, came forward to state that there is no uniform practice but he assured the Council that a discussion can be held with both parties for comparison and contrast. He said his Department's goal is to make the most efficient, effective contribution to the fabric of Lincoln that they can, whether that be monetary, the use of the property, or its ability to synergize other functions and contributions. In answer to a question about another comparable resource in Antelope Valley, he stated the City owns property across the channel at 19th & Q Street. He clarified as with any land sale over \$10,000, it would have to come back to the Council for approval. In summary, Mr. Landis said he would commit to meet with any interested party who wanted to make a presentation on what ultimate distribution of the land would serve community interests.

John V. Hendry, City Attorney, came forward to clarify that due to interest, both parties may discuss purchase of this surplus property. Mr. Hendry said although the ordinances themselves do not convey a sale to one party, he noted on page 3 paragraph 4 of the report, there is a comment referring to NeighborWorks-Lincoln.

This matter was taken under advisement.

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;

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 - Marvin Krout, Director of Planning, came forward to state that the amendments consolidate the design standards in one place and close gaps in lighting standards taking cost into account, dealing with safety & security, preventing glare & trespass, minimizing energy & light pollution. He said clarifying definitions and updating standards will result in a reduction of public hearings created by special permits. The amendment process included the services of Olsson Associates as technical consultants and the Department developed the creation of a broad-based committee that met for lively discussions over two dozen times for an extended period. In answer to questions, Mr. Krout explained there is a split responsibility with LES reviewing street lighting and Building & Safety being responsible for private issues. He reported LES recommended and adopted into the standards a reduction of 70% of the IESNA standards to conserve energy and reduce cost to the City. He said a 70% reduction is adequate while most communities do not reduce and therefore adhere to the IESNA standard.

Coby Mach, LIBA, came forward in support of the new lighting standards but requested that the City be open to suggestions if amendments are needed in the future.

Brian Sivill, 7206 Walker Ave., President of the Prairie Astronomy Club, came forward to express appreciation for changes that allow for a darker sky.

Erik Hubl, Supervisor at Hyde Memorial Observatory, came forward in support of the amendment text and expressed appreciation for the control of light pollution and excessive loss of light directed upward.

This matter was taken under advisement.

AUTHORIZING THE EXECUTION AND DELIVERY OF THE LANCASTER COUNTY CORRECTIONAL FACILITY JOINT PUBLIC AGENCY AGREEMENT AND RELATED DOCUMENTS - Lauren Wismer, Gilmore & Bell, Bond Counsel, came forward to respond to questions of accountability by stating that the Joint Public Agency Act was enacted by the Legislature to permit cooperation by public agencies to their mutual benefit and further requires that representatives of the participating public agencies have representatives on the governing body of the agency that are elected representatives. He feels elected officials are a closer connection and there is supervision and diligence by the appointing agencies.

This matter was taken under advisement.

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE PURCHASE OF A LONG TERM GROUND LEASE AND THE INSTALLATION OF STREETS AND INFRASTRUCTURE FOR THE PEROT SYSTEM REDEVELOPMENT PROJECT LOCATED IN THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK FROM THE PROCEEDS OF CITY OF LINCOLN TAX INCREMENT FINANCING BONDS; APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (PEROT SYSTEMS PROJECT) BETWEEN THE CITY AND KDC-LINCOLN INVESTMENTS ONE LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED IN THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK FOR CONSTRUCTION OF APPROXIMATELY 150,000 SQ. FT. OF COMMERCIAL SPACE - Lauren Wismer, Gilmore & Bell, Bond Counsel, came forward to explain that this is the standard procedure when expenditures are going to be incurred before bonds are actually issued. He clarified when it is time for the actual issuance of the bonds, an ordinance will be brought before the Council for consideration.

Wynn Hjermstad, Urban Development, came forward to state that Perot Systems is an international company that provides information technology in business process services in the life insurance and annuities industries currently employing 1,000 employees in Lincoln at seven different locations. She said the project will consolidate six locations into one site at the University of Nebraska Tech Park with plans to employ another 150 employees. Ms. Hjermstad reported that an expected completion will take 12 months with a private investment of \$23 million or \$3.1 million in TIF. She said the first priority is to pay back the City for the cost to issue the bonds; next highest priority use of TIF is the 60-year renewable ground lease and public improvements including two streets - the extension of Cattail Road on the south and Research Drive on the north; extension & relocation of utilities; construction of sidewalks, street lighting & street trees; LEED-certification of the building; Tech Park improvements; and telecommunication services.

Scott Keene, Ameritas Corp., came forward to clarify that the City's pledge 2.6 cents of levy authority would be an additional backstop to the financing to add a security and credit worthiness to the bonds.

Tom Huston, 233 S. 13th Street, Suite 1900, came forward on behalf of the University of Nebraska Foundation and University of Nebraska Technology Park, LLC in support of both resolutions and express appreciation for City assistance in this project stating it is good news to anticipate 150 new jobs in the City of Lincoln. He reported the bond ordinance should be coming before Council in two weeks.

Steve Frasier, President of the University of Nebraska Technology Park, LLC was on hand for questioning.

Wendy Birdsall, Chamber of Commerce President, came forward in support and appreciation stating the Chamber has worked with Perot Systems for over three years to consolidate its multiple offices. She said the project will spur a \$23 million facility investment in \$4 million of personal property and \$4 million estimated expenditures on goods and services annually. She said Perot's success will attract the community of Lincoln to others.

This matter was taken under advisement.

INCREASING FEES FOR SPECIAL WASTE PERMITS AS AUTHORIZED UNDER CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE;

AMENDING THE LINCOLN LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS AND STANDARDS TO INCREASE THE FEES FOR ENGINEERING REVIEW TIME FOR CONSTRUCTION PERMITS AND THE NOTIFICATION FEE FOR ASBESTOS REMOVAL PROJECT;

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;

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;

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 - Scott Holmes, Environmental Public Health Division Manager of the Health Department, came forward stating the 5% increased fee changes are proposed as a part of the Mayor's budget to increase revenue.

This matter was taken under advisement.

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

TOOK BREAK 3:48 P.M.

RECONVENED 4:02 P.M.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JULY 31, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84998 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended July 31, 2008, \$632,226.52 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE THIRD QUARTER, FISCAL YEAR 2007-08 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84999 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Jonathan Cook

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 18, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 25, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF AUGUST 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JULY 2008 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR 2ND QUARTER 2008: TWC DIGITAL PHONE LLC; JULY 2008: ACN COMM. SERVICES, AT&T COMM. OF MIDWEST, BUDGET PREPAY, COMTEL TELCOM ASSETS, GRANITE TELECOMM., LEVEL 3 COMM., QWEST COMM. CORP., TWC DIGITAL PHONE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR JAN.-APR. 2008: BULLSEYE TELECOM; APRIL 2008: GUARANTEED PHONE SERVICE; MAY 2008: GUARANTEED PHONE SERVICE; 2ND QUARTER 2008: ACCESSLINE COMM. CORP, AIRCELL, AIRESRING, COMTEL TELCOM ASSETS, HELIO, MATRIX TELECOM, NETWORK US, RELIANCE COMM., STARTEC OPERATING, SOUTHWEST COMM., TELENATIONAL, WHO'S CALLING, WINDSTREAM NEBRASKA; JUNE 2008: ACN COMM. SERVICES, ADVANCED TEL INC., ANDIAMO TELECOM, BELL ATLANTIC, BROADBAND DYNAMICS, BROADWING, BUSINESS PROD. SOLUTIONS, BUSINESS TELECOM, CIMCO, CINCINNATI BELL ANY DISTANCE, CRICKET, EARTHLINK, GLOBAL CROSSING, GLOBALCOM, GLOBALSTAR USA, GUARANTEED PHONE SERVICE, IBM GLOBAL SERVICES, IDT CORP., INTELICALL OPERATOR, KDDI AMERICA, LDMI, MCLEODUSA, NEBRASKA TECH. & TELECOMM., NEW CINGULAR WIRELESS, NEW EDGE NETWORK, NORSTAN NETWORK, ONSTAR, PNG, PRIMUS, QUANTUM SHIFT, QWEST, TELECORP, TON SERVICES, TRACFONE WIRELESS, TRANS NATIONAL, TWC DIGITAL, UCN, USCOC OF GREATER IOWA, USCOC OF NE/KS, VERIZON SELECT, VIRGIN MOBILE USA, VOICCOM, WHOLESALE CARRIER, WINDSTREAM NEBRASKA, WINDSTREAM SYSTEMS OF THE MIDWEST, WORKING ASSETS FUNDING SERVICE; JULY 2008: ACCERIS, ALLTEL COMM. OF NEBRASKA, ATS MOBILE TELEPHONE, BT AMERICAS, COVISTA, D&D, ENHANCED, FIRST COMMUNICATIONS, GLOBALCOM, GTC TELECOM,

LIGHTYEAR NETWORK SOLUTIONS, MCI, NEXTEL, LDMI, NOS COMM., NOSVA, SBC LONG DISTANCE, SPRINT COMMUNICATION, SPRINT SPECTRUM, TRI-M, 360NETWORKS, UNITE PRIVATE NETWORKS, WINDSTREAM NEBRASKA, WINDSTREAM SYSTEMS OF THE MIDWEST, WWC LICENSE, ZONE TELECOM - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 15, 2008 AT 5:30 P.M. FOR THE APPLICATION OF WAL-MART STORES INC. DBA WAL-MART SUPERCENTER 3823 FOR A CLASS D LIQUOR LICENSE LOCATED AT 3400 N. 85TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85000 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 15, 2008, at 5:30 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 Wal-Mart Stores Inc. dba Wal-Mart Supercenter 3823 for a Class D liquor license located at 3400 N. 85th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 15, 2008 AT 5:30 P.M. FOR THE APPLICATION OF RENDEVOUS COCKTAIL LOUNGE INC. DBA RENDEVOUS COCKTAIL LOUNGE FOR A CLASS I LIQUOR LICENSE LOCATED AT 118 S. 9TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85001 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 15, 2008, at 5:30 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 Rendezvous Cocktail Lounge Inc. dba Rendezvous Cocktail Lounge for a Class I liquor license located at 118 S. 9th Street.

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

Introduced by Jonathan Cook

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 08030 - App. of Charles and Nancy Ogden amending Section 27.63.400 of the Lincoln Municipal Code relating to the preservation of a historic structure as a permitted special use to allow the City Council to grant adjustments to the height and area regulations of the district in which a historic structure is located; and repealing Section 27.63.400 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 08031 - App. of Charles and Nancy Ogden to designate property known as the Griswold House as a Historic Landmark located at 1256 Fall Creek Road.

Change of Zone No. 08045 - Req. by the Director of Planning amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.19.030, 27.21.030, 27.23.030, 27.24.030, and 27.27.025 to clarify that group homes must comply with all applicable state and local code requirements and to add domiciliary care facility and elderly or retirement housing as a conditional permitted use in the R-5, R-6, R-7, R-8 and O-3 zoning districts, respectively; and repealing Sections 27.19.030, 27.21.030, 27.23.030, 27.24.030, and 27.27.025 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 08047 - App. of Mark Hunzeker from H-3 Highway Commercial District to I-1 Industrial District on property generally located at N. 56th Street and Superior Street.

Special Permit No. 08027 - App. of Charles and Nancy Ogden for Historic Preservation for the addition of a carriage house, guest house plus garage, with waiver requests to the rear and side yard setbacks on property located at 1256 Fall Creek Road.

Special Permit No. 08038 - App. of Thomas Madsen for expansion of a non-conforming use on property generally located at N. 48th Street and Dudley Street.

LIQUOR RESOLUTIONS

APPLICATION OF HY-VEE, INC., DBA HY-VEE #1 FOR A CLASS D LIQUOR LICENSE AT 5010 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85002 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 Hy-Vee, Inc. dba Hy-Vee #1 for a Class "D" liquor license at 5010 O 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 MATTHEW T. LUDWIG FOR HY-VEE, INC. DBA HY-VEE #1 AT 5010 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85003 WHEREAS, Hy-Vee, Inc. dba Hy-Vee #1 located at 5010 O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Matthew T. Ludwig be named manager;

WHEREAS, Matthew T. Ludwig 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 Matthew T. Ludwig 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)

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 second 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 second 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 second 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 second 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 second 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 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 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 second 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 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; 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 second time.

PUBLIC HEARING RESOLUTIONS

AUTHORIZING THE EXECUTION AND DELIVERY OF THE LANCASTER COUNTY CORRECTIONAL FACILITY JOINT PUBLIC AGENCY AGREEMENT AND RELATED DOCUMENTS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84997 A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE LANCASTER COUNTY CORRECTIONAL FACILITY JOINT PUBLIC AGENCY AGREEMENT

WHEREAS, the Joint Public Agency Act (Chapter 13, Article 25, Reissue Revised Statutes of Nebraska, as amended, the "Act") permits local government units to make the most efficient use of their taxing authority and other powers by enabling them to cooperate with other governmental units on a basis of mutual advantage and to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities, and

NOW THEREFORE, BE IT RESOLVED that the Council of The City of Lincoln, Nebraska (the "City"), finds and determines that there exists a need for the creation of a joint public agency (the "Agency") pursuant to the Act to facilitate acquiring, constructing, equipping, furnishing and financing correctional facilities for the benefit of residents of the City as provided in the Act. The participants in the Agency will be the City and The County of Lancaster, Nebraska (the "County").

NOW THEREFORE BE IT FURTHER RESOLVED that the form, terms and provisions of the proposed Joint Public Agency Agreement Creating the Lancaster County Correctional Facility Joint Public Agency (the "Agreement") between the City and the County are, in all respects, hereby approved, authorized, ratified and confirmed, and the Mayor and the Clerk are each separately and individually hereby authorized and directed to execute, acknowledge and deliver the Agreement, including counterparts thereof, in the name and on behalf of the City. The Agreement, as executed and delivered, shall be in substantially the form attached hereto as Exhibit A subject to such changes therein as shall be approved by the Mayor, such execution thereof to constitute conclusive evidence of the City's approval of any and all changes or revisions therein from the form of the Agreement now set forth in Exhibit A; and from and after the execution and delivery of the Agreement by the City, the officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement.

NOW THEREFORE BE IT FURTHER RESOLVED that (a) if any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatsoever; (b) to the extent that the provisions of this Resolution conflict with provisions of prior resolutions, or parts thereof, the provisions of this Resolution shall control, to the extent of such conflicts; and (c) this Resolution shall be in full force and effect immediately upon its passage and approval.

Introduced by Jon Camp

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

ACCEPTING A QUITCLAIM DEED FROM LANCASTER COUNTY SCHOOL DISTRICT 001 FOR A PORTION OF LOT 1, ARNOLD HEIGHTS NORTH ADDITION, AND DEDICATING THE SAME AS STREET RIGHT-OF-WAY FOR WEST STANTON STREET; AND DECLARING A PORTION OF LOT 2 AND OUTLOT D, ARNOLD HEIGHTS NORTH AS STREET RIGHT-OF-WAY FOR WEST STANTON; FOR ACCESS TO THE RELOCATED ARNOLD ELEMENTARY SCHOOL, ON PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND WEST CUMINGS STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85004 WHEREAS, the Lancaster County School District 001, a/k/a Lincoln Public Schools is relocating Arnold Elementary School and it is necessary to construct West Stanton Street for access to said school; and

WHEREAS, the Lancaster County School District 001, a/k/a Lincoln Public Schools has offered to deed to the City a portion of Lot 1, Arnold Heights North, located in the Southwest Quarter of Section 6, Township 10 North, Range 6 East of the 6th P.M. in the City of Lincoln, Lancaster County Nebraska, as street right-of-way for West Stanton Street; and

WHEREAS, the City of Lincoln, Nebraska, a municipal corporation, is the owner of Lot 2 and Outlot D, Arnold Heights North, located in the Southwest Quarter of Section 6, Township 10 North, Range 6 East of the 6th P.M. in the City of Lincoln, Lancaster County Nebraska; and

WHEREAS, it is necessary for the City to declare portions of Lot 2 and Outlot D as street right-of-way for West Stanton Street.

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

That, on behalf of the City of Lincoln, Nebraska, the City Council hereby accepts the quitclaim deed from Lancaster County School District 001, a/k/a Lincoln Public Schools and declares that said deeded property shall be dedicated as street right-of-way for West Stanton Street, and the City Clerk shall cause said deed to be filed in the office of the Register of Deeds for Lancaster County, Nebraska.

That the City of Lincoln hereby declares that the following portions of Lot 2 and Outlot D, Arnold Heights North, located in the Southwest Quarter of Section 6, Township 10 North, Range 6 East of the 6th P.M. in the City of Lincoln, Lancaster County, Nebraska, shall be dedicated as street right-of-way for West Stanton Street:

The south sixty (60) feet of Lot 2 and the south sixty (60) feet of Outlot D, Arnold Heights North, Lincoln, Lancaster County, Nebraska.

Introduced by Jon Camp

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 1-15, 2008 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85005 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated August 18, 2008, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED/SETTLED</u>	
Mildred Weber	NAS*	Ardell Boden	\$ 240.71
Deandre Brown	\$ 550.00	Randy Velder	149.34
Annette Carol Kreifels		Burden Sales	
& Anthony Kreifels	75,000.00	Company	5,759.51
		Black Hills	
		Energy	225.12
Tony Orosco	NAS*	Christi Slechta	155.00
Brad Hulse	1,014.09	Kearney Moving	
		Service	249.45
BlueCross BlueShield		Salah Al-Yaseri	1,520.39
of Nebraska			
(Claim ID No. EHN6630832NN)	NAS*	Frantz Antoine	43.00
Andrew Lundstrom	6,813.53	Dan McCoy	194.99
*No Amount Specified			

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

Introduced by Jon Camp

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

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO FUND THE CONSTRUCTION OF 3,300 FEET OF A TRAIL CONNECTING TIERRA/WILLIAMSBURG TRAIL WITH THE YANKEE HILL TRAIL GENERALLY FROM 36TH AND SAN MATEO DRIVE TO 34TH AND YANKEE HILL ROAD - PRIOR to reading:

CAMP Moved to continue Public Hearing for Bill No. 08R-204 to 9/15/08.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE PURCHASE OF A LONG TERM GROUND LEASE AND THE INSTALLATION OF STREETS AND INFRASTRUCTURE FOR THE PEROT SYSTEM REDEVELOPMENT PROJECT LOCATED IN THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK FROM THE PROCEEDS OF CITY OF LINCOLN TAX INCREMENT FINANCING BONDS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85006 A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY TO BORROW MONEY BY THE ISSUANCE OF TAX ALLOCATION BONDS TO REIMBURSE THE COSTS OF CONSTRUCTING, ACQUIRING, EQUIPPING AND FURNISHING IMPROVEMENTS TO THE CITY'S PEROT SYSTEMS REDEVELOPMENT PROJECT

BE IT RESOLVED by the Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:

Section 1. Findings.

(a) Pursuant to Resolution No. A-84099 (the "Resolution"), the City approved the Northwest Corridors Redevelopment Plan (the "Redevelopment Plan") under and pursuant to which the City shall undertake from time to time to redevelop and rehabilitate the Redevelopment Area (hereinafter defined).

(b) The Redevelopment Plan makes provision for a number of redevelopment projects within the Redevelopment Area (hereinafter defined), including the Perot Systems Redevelopment Project (hereinafter defined)

(c) It is necessary, desirable, advisable and in the best interest of the City and its citizens that the City pay certain eligible costs in connection with the Perot Systems Redevelopment Project (as defined in the Redevelopment Plan, the "Project").

(d) The City has begun planning, acquiring, constructing, equipping and furnishing the Project and on or after September 8, 2008, the City anticipates spending funds in the amount of \$3,750,000 to pay costs of the Project.

(e) The City has previously and will hereafter enter into such contracts and other agreements as shall be necessary in order to cause the Project to be developed, redeveloped and rehabilitated.

(f) It is necessary, desirable, advisable and in the best interests of the City that it continue planning, acquiring, constructing, equipping and furnishing the Project, which will require the expenditure of money by the City prior to the issuance of Perot Systems Redevelopment Project Tax Allocation Bonds (the "Bonds") in accordance with the provisions of its Home Rule Charter and the Constitution and laws of the State of Nebraska to finance the costs of the Project.

Section 2. Declaration of Intent and Related Matters.

(a) The City hereby declares its official intent to reimburse all or a portion of the costs of the Project from the proceeds of the Bonds. Prior to the issuance of the Bonds, the City is authorized to advance approximately \$3,750,000 from the General Fund to pay a portion of the costs of planning, acquiring, constructing, equipping and furnishing the Project.

(b) The reasonably expected source of funds to be used to pay debt service on the Bonds will be the incremental property tax revenues generated in the Redevelopment Area, which shall be pledged to the payment of the principal of and interest on the Bonds.

(c) The Bonds shall be issued in such amount and upon such terms and conditions as may be agreed upon by the City and the purchaser(s) of the Bonds for the purpose of paying all or a portion of the costs and expenses incident to the planning, acquisition, construction and financing of the Project, the Bonds to be authorized by the Council at a meeting to be held for such purpose.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an "Authorized Officer") be, and each of them is, authorized to take such further action as such Authorized Officer shall deem necessary or desirable without further action by the Council to carry out the transactions contemplated by this Resolution.

(b) The Authorized Officers be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

Section 4. Ratification. All acts and deeds heretofore done by any officer, employee or agent of the City on behalf of the City to reimburse expenditures made from and after the date of adoption of this Resolution with respect to the Project by the City through the issuance of the Bonds and other transactions contemplated by this Resolution are hereby ratified, confirmed and approved in all respects.

Section 5. Effective Dates. This Resolution shall be in full force and effect from and after its passage and adoption by the Council.

Section 6. Conflicting Resolutions Repealed. All resolutions, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Jon Camp

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

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (PEROT SYSTEMS PROJECT) BETWEEN THE CITY AND KDC-LINCOLN INVESTMENTS ONE LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED IN THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK FOR CONSTRUCTION OF APPROXIMATELY 150,000 SQ. FT. OF COMMERCIAL SPACE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85007 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement entitled City of Lincoln Redevelopment Agreement (Perot Systems Project) which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and KDC-Lincoln Investments One LLC, outlining certain conditions and understandings relating to the redevelopment of property generally located in the University of Nebraska Technology Park to construct 150,000 sq. ft. for commercial space, is approved.

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

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

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Redevelopment Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by KDC-Lincoln Investments One LLC.

Introduced by Jon Camp

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

INCREASING FEES FOR SPECIAL WASTE PERMITS AS AUTHORIZED UNDER CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85008 WHEREAS, the City Council adopted Resolution No. A-84487 on August 20, 2007, 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 determined that certain fee revisions and minimum quantities for the issuance of Special Waste Permits 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: ~~\$160.00~~ \$165.00.
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: ~~\$160.00~~ \$165.00.
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: ~~\$160.00~~ \$165.00.
4. Septic tank waste. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plan Dump Station - Annual permit fee: None. For all other disposal sites - Annual permit fee: ~~\$160.00~~ \$165.00.
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: ~~\$160.00~~ \$165.00.
6. Sewage or other organic residues or sludges. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plan Dump Station - Annual permit fee: None. For all other disposal sites - Annual permit fees: ~~\$160.00~~ \$165.00.
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: ~~\$160.00~~ \$165.00.

Group II: Petroleum-based Wastes

8. Petroleum type grease trap waste. Any quantity requires a permit. Annual permit fee: ~~\$265.00~~ \$275.00.
9. Sludges from petroleum tanks. Any quantity requires a permit - Annual permit fee: ~~\$265.00~~ \$275.00.
10. a. Used oil filters. Any quantity requires an annual permit - Annual permit fees:
Less than 220 pounds per month - ~~\$55.00~~ \$60.00.
220 pounds or more a month - ~~\$265.00~~ \$275.00.
- b. Petroleum contaminated soil and granular absorbents. Permitted Quantity: 220 pounds per month or more - Annual permit fee: ~~\$265.00~~ \$275.00.

- 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 - ~~\$55.00~~ \$60.00.
Quantities 220 pounds or more per month - ~~\$265.00~~ \$275.00.
11. Petroleum contaminated water. Permitted quantity: 55 gallons per month or more - Annual permit fee: ~~\$265.00~~ \$275.00.
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; ~~\$25.00~~ \$30.00.
- 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: ~~\$160.00~~ \$165.00.
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: ~~\$165.00~~ \$165.00.
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: ~~\$160.00~~ \$165.00.
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: ~~\$160.00~~ \$165.00.
- Group IV: Solvents, Absorbents, Filters, and Residues
17. Solvents, degreasers, strippers, thinners, and related products. Any quantity requires a permit. Annual permit fee: ~~\$160.00~~ \$165.00.
18. Refuse containing solvents, degreasers, strippers, or thinners. Any quantity requires a permit - Annual permit fee: ~~\$160.00~~ \$165.00.
19. Lime or other inorganic residues or sludges. Minimum quantities: twenty-five gallons or 43 pounds per month - Annual permit fee: ~~\$265.00~~ \$275.00.
20. Paint dry waste, filters, and paint contaminated material. Minimum quantities: 43 pounds per month - Annual permit fee: ~~\$265.00~~ \$275.00.
21. Fly ash. Minimum quantities: 43 pounds per month - Annual permit fee: ~~\$265.00~~ \$275.00.
22. Bottom ash. Minimum quantities: 43 pounds per month - Annual permit fee: ~~\$265.00~~ \$275.00.
- 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: ~~\$165.00~~ \$165.00.
24. Chemicals labeled WARNING for toxics and pesticides: Minimum quantities: One pint or one pound per load or more - Annual permit fee: ~~\$265.00~~ \$275.00.
25. Pharmaceutical products. Minimum quantities: More than five gallons or 43 pounds per month - Annual permit fee: ~~\$265.00~~ \$275.00.
26. Adhesives, sealants, coatings or catalysts. Minimum quantities: More than five gallons or 43 pounds per month - Annual permit fee: ~~\$265.00~~ \$275.00.

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; ~~\$265.00~~ \$275.00.
 28. Hazardous or potentially hazardous waste or chemicals labeled "DANGER."
Any quantity requires a permit - Annual permit fee: ~~\$265.00~~ \$275.00.
- Group VI: Miscellaneous
29. Treated or untreated infectious waste from hospitals. Any quantity requires a permit - Annual permit fee: ~~\$265.00~~ \$275.00.
 30. Treated or untreated infectious waste from other than hospitals. Any quantity requires a permit - Annual permit fee: ~~\$25.00~~ \$30.00.
 31. Waste containing or likely to contain polychlorinated biphenyls (PCB). Any quantity requires a permit - Annual permit fee: ~~\$160.00~~ \$165.00.
 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: ~~\$55.00~~ \$60.00.
 33. Material other than asbestos that could create a health hazard if airborne. Any quantity requires a permit - Annual permit fee: ~~\$160.00~~ \$165.00.
 34. Wood that has been treated with hazardous or toxic chemicals. Quantities more than 43 pounds per month - Annual permit fee: ~~\$55.00~~ \$60.00.
 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: ~~\$160.00~~ \$165.00.

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 ~~\$50.00~~ \$55.00.

BE IT FURTHER RESOLVED that City Council Resolution No. A-84487 shall be superseded by the terms of this resolution.

Introduced by Jon Camp

Seconded by Emery & 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 ENGINEERING REVIEW TIME FOR CONSTRUCTION PERMITS AND THE NOTIFICATION FEE FOR ASBESTOS REMOVAL PROJECT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85009 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Amendments to Article 1, Section 6 and Article 2, Section 30 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards implemented by the Lincoln-Lancaster County Health Department, copies of which are attached hereto, marked as Attachment "A" and made a part hereof by reference, which Amendments increase the notification fee for a National Emission Standards for Hazardous Air Pollutants (NESPAPS) asbestos project and construction permit fees, respectively, are hereby approved.

The City Clerk is directed to return two (2) fully executed copies this Resolution and Amendments to Susan Starcher, Lancaster County Clerk's Office, for filing with the County.

Introduced by Jon Camp

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)

COMP. PLAN CONFORMITY 07023 - DECLARING APPROXIMATELY 2,739 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT SOUTH 46TH STREET AND O STREET AS SURPLUS. (RELATED ITEMS: 08-69, 08-68) - CLERK read an ordinance, introduced by Jonathan Cook, declaring approximately 2,739 square feet of City-owned property generally located at South 46th Street and O Street as surplus and authorizing the sale thereof, the first time.

VACATION 07008 - VACATING A PORTION OF SOUTH 46TH STREET ABUTTING O STREET CONSISTING OF APPROXIMATELY 2,249 SQUARE FEET AND RETAINING TITLE THERETO. (RELATED ITEMS: 08-69, 08-68) - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of S. 46th Street abutting O Street and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING SECTION 2.76.380, SICK LEAVE WITH PAY, AND SECTION 2.76.395, VACATION LEAVE WITH PAY, TO REFLECT NEGOTIATED CHANGES AND CHANGES APPLICABLE TO EMPLOYEES WITH A PAY RANGE PREFIXED BY "N" OR "X" NOT REPRESENTED BY A BARGAINING UNIT - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.76 of the Lincoln Municipal Code relating to the City's Personnel System by amending Section 2.76.380, Sick Leave with Pay, to increase from 40 hours to 60 hours the maximum number of hours an employee with a pay range prefixed by "N" or "X" may be granted in each calendar years for illness in the employee's immediate family; amending Section 2.76.395, Vacation Leave with Pay, to increase the amount of vacation earned at specified years of service and to add a level of vacation accrual after 12 years of service for employees with a pay range prefixed by "N" or "X"; and repealing Section 2.76.380 and 2.76.395 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 2.78.020, MANAGEMENT COMPENSATION PLAN, OF THE LINCOLN MUNICIPAL CODE TO REFLECT NEGOTIATED CHANGES AND CHANGES APPLICABLE TO EMPLOYEES WITH A PAY RANGE PREFIXED BY "M" NOT REPRESENTED BY A BARGAINING UNIT - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.78.020 of the Lincoln Municipal Code relating to Annual Leave under the City's Management Compensation Plan to increase from 40 hours to 60 hours the maximum number of hours of unused annual leave that employees with a pay range prefixed by the letter "M" may carry over, and for "M" class employees with a 56-hour work week to increase such hours from 60 hours to 80 hours; and repealing Sections 2.78.020 of the Lincoln Municipal Code as hitherto existing, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER X - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees for the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 18974, passed by the City Council on August 6, 2007, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE FIRTH COMMUNITY CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 311 NEMAHA STREET, FIRTH, NEBRASKA FROM SEPTEMBER 1, 2008 TO AUGUST 31, 2009 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Firth Community Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 311 Nemaha Street, Firth, NE 68358 for a term beginning September 1, 2008 through August 31, 2009, the first time.

AMENDING CHAPTER 21 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN HOUSING CODE, BY AMENDING SECTIONS 21.01.185 AND 21.01.212 RELATING TO MAINTENANCE OF PREMISES AND INADEQUATE MAINTENANCE, RESPECTIVELY, TO PROVIDE THAT THE USE OF INDOOR UPHOLSTERED FURNITURE OUTDOORS CONSTITUTES INADEQUATE MAINTENANCE AND REPEALING SECTIONS 21.01.185 AND 21.01.212 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 21.01.185 and Section 21.01.212 of the Lincoln Municipal Code relating to Maintenance of Premises and Inadequate Maintenance, respectively, to provide that the use of indoor upholstered furniture outdoors constitutes inadequate maintenance; and repealing Sections 21.01.185 and 21.01.212 of the Lincoln Municipal Code as hitherto existing, the first time.

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

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) (8/25/08 - ACTION DELAYED 2 WKS. TO 9/8/08) - PRIOR to reading:

ESCHLIMAN Passed the gavel to Vice Chair Emery and moved MTA #1 to amend Bill No. 08-107 in the following manner:

1. On page 10, lines 6, 7, and 8, delete the last sentence of subparagraph (a):

"There will also be no parking requirements in the area located between the centerline of "N" Street and the centerline of "P" Street from 150 feet east of 17th Street to the eastern boundary of B-4 District."

2. On page 10, line 10, after "B-4 District," delete the following: "not specifically excepted in section (a) above".

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

ESCHLIMAN Moved MTA #2-A to amend Bill No. 08-107 in the following manner:

1. On page 6, after line 14, insert the following:

(2) Automobile and truck wash facilities;

2. On page 9, line 29 add the words "automobile and truck wash facilities" after the word "service station" in the list of use permitted by special permit in the B-4 zoning district from 150 feet of 17th Street to the eastern edges of the B-4 Lincoln Center Business District.

Motion died for lack of a second.

ESCHLIMAN Moved MTA #3 to amend Bill No. 08-107 in the following manner:

1. On page 3, line 30, delete the words "Automobile, motorcycle," and capitalize the "t" in the word "truck."

Motion died for lack of a second.

EMERY Passed the gavel back to Eschliman.

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.

SPATZ Moved to pass the ordinance as read.

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

The ordinance, being numbered #19132, is recorded in Ordinance Book #26, Page

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) (8/25/08 - ACTION DELAYED 2 WKS. TO 9/8/08) - PRIOR to reading:

SPATZ Moved MTA #7 to amend Bill No. 08R-187 in the following manner:

1. On page one, after line 18, insert the following language:

BE IT FURTHER RESOLVED that not later than two years following the adoption of this resolution the Planning Department, after receipt of public input, shall submit a report to the City Council entitled Bi-Annual Review of the Lincoln Downtown Design Standards. Such report shall include new and pertinent information or any other factors regarding the success of the Design Standards in implementing the community goals for downtown Lincoln. Such report may include specific proposals to amend the Design Standards.

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

SVOBODA Moved MTA #8 to amend Bill No. 08R-187 by adding the following language at the end of the first paragraph of Section 5. Waivers and Appeal:

To the extent that compliance with these design standards is impractical or impossible, or would result in economic hardship to the owner due to the small size, shape, or other physical characteristics of the site, and the ownership and boundaries of the site have not changed since the effective date of these design standards, there shall be a presumption in favor of granting the waiver.

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

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

A-85010 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and

WHEREAS, the Lincoln-Lancaster County Planning Department has proposed amendments to the City of Lincoln Design Standards to amend 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.

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

That the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same are hereby amended by:

1. Adding a new Section 2.5 to Chapter 1.00 "Request for Waiver, Procedure" as shown on Attachment "A" which is attached hereto and incorporated herein by reference; and

2. Adding a new Chapter 3.76 "Lincoln Downtown Design Standards" as shown on Attachment "B" which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the above amendments to the Design Standards shall only apply to building permit applications filed on or after the adoption of this Resolution.

BE IT FURTHER RESOLVED that not later than two years following the adoption of this resolution the Planning Department, after receipt of public input, shall submit a report to the City Council entitled Bi-Annual Review of the Lincoln Downtown Design Standards. Such report shall include new and pertinent information or any other factors regarding the success of the Design Standards in implementing the community goals for downtown Lincoln. Such report may include specific proposals to amend the Design Standards.

Introduced by Jon Spatz

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

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) (8/25/08 - ACTION DELAYED 2 WKS. TO 9/8/08) - 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 #19133, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 15, 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 15, 2008.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 4:39 P.M.

CAMP Moved to adjourn the City Council meeting of September 8, 2008.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant