

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 15, 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

CAMP Having been appointed to read the minutes of the City Council proceedings of September 8, 2008 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF RENDEVOUS COCKTAIL LOUNGE INC. DBA RENDEVOUS COCKTAIL LOUNGE FOR A CLASS I LIQUOR LICENSE AT 118 S. 9TH STREET;
MANAGER APPLICATION OF NATALIE M. RODRIGUEZ FOR RENDEVOUS COCKTAIL LOUNGE INC. DBA RENDEVOUS COCKTAIL LOUNGE AT 118 S. 9TH STREET - Natalie Rodriguez, 2140 S.W. Paul Whitehead Lane, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF WAL-MART STORES, INC. DBA WAL-MART SUPERCENTER #3823 FOR A CLASS D LIQUOR LICENSE AT 3400 N. 85TH STREET;
MANAGER APPLICATION OF JOLENE A. BARTLING FOR WAL-MART STORES, INC. DBA WAL-MART SUPERCENTER #3823 AT 3400 N. 85TH STREET - Jolene Bartling, 5331 N. 15th St., came forward to take oath and answer questions.

This matter was taken under advisement.

COMP. PLAN CONFORMITY 07023 - DECLARING APPROXIMATELY 2,739 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT SOUTH 46TH STREET AND O STREET AS SURPLUS;
VACATION 07008 - VACATING A PORTION OF SOUTH 46TH STREET ABUTTING O STREET CONSISTING OF APPROXIMATELY 2,249 SQUARE FEET AND RETAINING TITLE THERETO - Wynn Hjermstad, Urban Development Dept., came forward stating that the work done on this project in conjunction with the property owner, Parks & Recreation Dept. and Witherbee Neighborhood Association will result in a small park which will satisfy all involved parties. She reported that Urban Development Real Estate Agent Clint Thomas' analysis determined it to be a land trade with the property owner because of the following: original purchase price due to O Street widening, current fair-market value, property use restrictions, retained easements and removal of access points.

Curtis Wood, 342 S. 50th St., Witherbee Neighborhood Assoc. President, came forward in support of the development of green space.

This matter was taken under advisement.

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;

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;

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER X - Don Taute, City/County Personnel Director, came forward to answer questions and explain how the amendments reflect negotiation changes

with employee bargaining groups. In response to Council questions about the retirement plan, Mr. Taute replied there was discussion resulting in no existing plan changes but the department will be addressing an alternative plan as it applies to new hires in the next 4 to 6 weeks.

This matter was taken under advisement.

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 - Michael Snodgrass, Exec. Director of NeighborWorks-Lincoln came forward representing the Lincoln Policy Network to answer questions and express appreciation to Council for the ordinance which will help set a standard in older neighborhoods, supplying needed tools to increase home ownership and bring about revitalization. He clarified that this law will affect non-enclosed porches regardless of being in the front or back yard.

Carol Brown, 2201 Elba Circle, came forward in support as she feels it will clean up a major City corridor near 27th & Vine Streets.

Shawn Ryba, 4411 N. Park Blvd., came forward representing NeighborWorks-Lincoln in support explaining enforcement will be on a complaint basis only with follow-up by the Department of Building & Safety. In an effort to encourage couch removal, NeighborWorks will offer appropriate outdoor chairs to the first 50 people who respond. Mr. Ryba also spoke of helpful programs available to assist homeowners who are in need of exterior repair.

Paula Rhian, 2002 S. 11th St., came forward representing her neighborhood association in support. She expressed concerns of health and safety verifying that indoor furniture used outdoors can develop mold and will attract vermin.

David Anderson, 1834 G St., came forward representing his real estate rental property management business in support as it will provide another tool to assist landlords in cleaning up properties.

Maurice Baker, 3215 Starr St., came forward in support stating that these tools help move drug house activities out of neighborhoods.

Delores Lintel, 5600 Cloudburst, came forward expressing support in bringing back pride and responsibility to keep neighborhoods vital.

Florine Joseph, 1240 N. 24th St., came forward in support and expressed concern about the general care and upkeep of property in her neighborhood.

Ed Patterson, 700 N. 24th St., came forward in support expressing the following key points: public & private programs motivate property improvement, individual Council members have contributed to neighborhood revitalization, property issues are neither racial nor political; and attention to small problems will eliminate big issues.

Gail J. Anderson, 1930 N. 60th St., came forward representing University Place Community Organization stating this ordinance will be beneficial to her historic neighborhood.

Peggy Struwe, 530 N. 25th St., President of the Hawley Neighborhood Association in the Malone Area, came forward in support of the ordinance, stating past volunteer efforts to enforce this have not been successful.

Wynn Hjermstad, Urban Development Dept., came forward in support to identify issues in the Department's Five-year Strategic Plan adopted on September 1, 2005 and stated that eliminating couches is just one element of a bigger picture to help stabilize older neighborhoods. In answer to Council questions, she responded that past City-led efforts have not been as successful as the grass roots efforts which are evident today. She said that the unanimously approved Annual Action Plan clarifies use of Federal funds to meet the goals in the 5-year plan.

Danny Walker, 427 E St., came forward in support but was concerned that couches will litter City streets.

Steve Werthmann, Urban Development Housing Rehabilitation Manager, came forward to present and explain various housing resource programs available for rehabilitation.

John McQuinn, Chief Asst. City Prosecutor, came forward to answer questions and stated the process begins in the Department of Building & Safety to confirm a violation exists and a notification letter is sent to the owner of the property with an allowance of 30 days to correct the violation. If non-compliance continues after a second and third letter, it is referred to the City Prosecutor. He stated it is very uncommon for an individual to serve jail time for a housing code violation.

This matter was taken under advisement.

COMP. PLAN CONFORMITY 07025 - DECLARING APPROXIMATELY 43,200 SQUARE FEET GENERALLY LOCATED AT N.W. 52ND STREET AND WEST HUNTINGTON AVE. AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - Steve Werthmann, Urban Development Dept., came forward to answer questions and request getting the surplus process going again following placement on indefinite pending since February 2008. He reported that a neighborhood meeting found no objections to the sale and Planning Commission action met with unanimous approval. He said the main issue was a question of what to do with the proceeds of the sale as different departments can earmark certain funds with final approval by Council. Mr. Werthmann replied he would follow up in one week on Council's inquiry if a sub account must be specified.

This matter was taken under advisement.

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 - Lynn Johnson, Parks & Recreation Director, came forward to answer questions about the extension of trail and clarified that 80% of funding will come from Federal and 20% from impact fees.

Danny Walker, 427 E St., came forward to express concerns of the misuse of funds for trails from the Safe Route to Schools funds.

Mr. Johnson came forward to state that there are no Safe Route to Schools funds being used. He clarified that funding will be from a Federal Transportation Enhancement Grant.

This matter was taken under advisement.

WAIVER 08005 - APPLICATION OF NEBRASKA DISTRICT CHURCH OF THE NAZARENE TO WAIVE THE PARKING LOT SURFACING REQUIREMENTS ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND NEW HAMPSHIRE STREET - Rev. Wes Meisner, Campus Pastor, 1340 New Hampshire St., came forward representing the church as well as being a member of the North Bottoms Neighborhood Association to answer questions. He said plans will be to minimize expenses for their ministry now, with the intention of paving the parking lot in the future.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16 - 31, 2008 - Houghton Furr Jr., 3615 S. 37th St., came forward to request a reversal of his denied claim explaining that damage to his legally parked vehicle occurred from a fallen, City-owned tree limb.

John V. Hendry, City Attorney, came forward stating that in Mr. Furr's case the City had no prior knowledge of the tree's condition but it was discovered decayed after the limb fell. In reference to Council questions comparing a similar case which was allowed, Mr. Hendry clarified in that instance the City was held liable for directing a commercial vehicle through a closed-street area where damage subsequently occurred.

This matter was taken under advisement.

ADOPTING THE STARTRAN FARE STRUCTURE TO INCREASE VARIOUS FARES - Chad Blahak, Public Works & Utilities Dept., came forward to answer questions and stated the increases are a result of the approved budget.
This matter was taken under advisement.

ACCEPTING, APPROVING AND RATIFYING THE MULTIPLE PROVIDER CONTRACT BETWEEN THE STATE DEPARTMENT OF HEALTH & HUMAN SERVICES AND THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT FOR THE EVERY WOMAN MATTERS (EWM) PROGRAM FOR THE PERIOD OF JULY 1, 2007 THROUGH JUNE 30, 2012 - Bruce Dart, Health Department Director, came forward to answer questions and clarified that this program has been in force since 1992 and is being renewed as a five-year contract.
This matter was taken under advisement.

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

TOOK BREAK 7:28 P.M.

RECONVENED 7:35 P.M.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JULY 31, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 29, 2008 AT 5:30 P.M. FOR THE APPLICATION OF HY-VEE, INC. DBA HY-VEE #1 FOR A CHANGE OF LOCATION FROM THEIR CURRENT CLASS C LIQUOR LICENSE AT 6919 O STREET TO THE NEW HEARTLAND PANTRY DESCRIBING THE LICENSED AREA AS A ONE STORY IRREGULAR-SHAPED BUILDING APPROX. 142 FT. X 188 FT. LOCATED AT 2343 N. 48TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85011 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 29, 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 Hy-Vee, Inc. dba Hy-Vee #1 for a change of location from their current Class C liquor license at 6919 O Street to the new Heartland Pantry describing the licensed area as a one story irregular-shaped building approx. 142 ft. x 188 ft. located at 2343 N. 48th Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 29, 2008 AT 5:30 P.M. FOR THE APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. DBA LANCASTER EVENT CENTER FOR AN ADDITION TO PREMISE OF THEIR EXISTING CLASS C LIQUOR LICENSE ADDING THE FOLLOWING: BUSINESS CENTER, APPROX. 240 FT. X 60 FT.; AMY COUNTRYMAN ARENA, APPROX. 244 FT. X 359 FT.; AND PAVILION III, APPROX. 299 FT. X 243 FT. ALL LOCATED AT 4100 N. 84TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85012 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 29, 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 Lancaster County Agricultural Society, Inc. dba Lancaster Event Center for an addition to premise of their existing Class C liquor license adding the following: Business Center, approx. 240 ft. x 60 ft.; Amy Countryman Arena, approx. 244 ft. x 359 ft.; and Pavilion III, approx. 299 ft. x 243 ft. all located at 4100 N. 84th Street.

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

Introduced by Doug Emery

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

LIQUOR RESOLUTIONS

APPLICATION OF RENDEVOUS COCKTAIL LOUNGE INC. DBA RENDEVOUS COCKTAIL LOUNGE FOR A CLASS I LIQUOR LICENSE AT 118 S. 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85013 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 Rendevous Cocktail Lounge Inc. dba Rendevous Cocktail Lounge for a Class "I" liquor license at 118 S. 9th 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 NATALIE M. RODRIGUEZ FOR RENDEVOUS COCKTAIL LOUNGE INC. DBA RENDEVOUS COCKTAIL LOUNGE AT 118 S. 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85014 WHEREAS, Rendevous Cocktail Lounge Inc. dba Rendevous Cocktail Lounge located at 118 S. 9th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Natalie M. Rodriguez be named manager;

WHEREAS, Natalie M. Rodriguez 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 Natalie M. Rodriguez 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.

APPLICATION OF WAL-MART STORES, INC. DBA WAL-MART SUPERCENTER #3823 FOR A CLASS D LIQUOR LICENSE AT 3400 N. 85TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85015 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 Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #3823 for a Class "D" liquor license at 3400 N. 85th Street, Lincoln, Nebraska, for the license period ending April 30, 2008, 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 JOLENE A. BARTLING FOR WAL-MART STORES, INC. DBA WAL-MART SUPERCENTER #3823 AT 3400 N. 85TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85016 WHEREAS, Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #3823 located at 3400 N. 85th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Jolene A. Bartling be named manager;

WHEREAS, Jolene A. Bartling 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 Jolene A. Bartling 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)

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 second 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 second 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 second 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 second 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 second 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 second 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 second time.

COMP. PLAN CONFORMITY 07025 - DECLARING APPROXIMATELY 43,200 SQUARE FEET GENERALLY LOCATED AT N.W. 52ND STREET AND WEST HUNTINGTON AVE. AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF. (1/28/08 - ACTION DELAYED 2 WKS TO 2/11/08) (2/11/08 - PLACED ON PENDING INDEFINITELY) (8/25/08 - REMOVED FROM PENDING TO HAVE P.H. IN 3 WKS. ON 9/15/08 W/ACTION ON 9/22/08) - CLERK read an ordinance, introduced by Ken Svoboda, declaring approximately 43,200 square feet of City-owned property generally located near N.W. 52nd Street and West Huntington Avenue as surplus and authorizing the sale thereof, the second time.

PUBLIC HEARING RESOLUTIONS

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. (9/8/08 - P.H. CON'T. TO 9/15/08) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85017 WHEREAS, the City of Lincoln through its Parks and Recreation Department intends to apply to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing 3,300 feet of a trail (the Cavett Connector Trail) connecting the Tierra/Williamsburg Trail with the Yankee Hill Trail generally from 36th and San Mateo Drive to 34th and Yankee Hill Road; and

WHEREAS, the total estimated cost of the project is \$454,000 with \$90,800 identified in the CIP budget with funds coming from impact fees and \$363,200 being provided by the Transportation Enhancement Program grant; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit to the cost of operation and maintenance of the completed facility in a safe and attractive manner for the public.

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

That the City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the project described above and known as the Cavett Connector Trail and its commitment to the on-going maintenance of the trail.

The City Clerk is directed to transmit a certified copy of this resolution to the Parks & Recreation Department for inclusion with the application to the State of Nebraska Department of Roads.

Introduced by Jon Camp

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

WAIVER 08005 - APPLICATION OF NEBRASKA DISTRICT CHURCH OF THE NAZARENE TO WAIVE THE PARKING LOT SURFACING REQUIREMENTS ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND NEW HAMPSHIRE STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85018 WHEREAS, the Nebraska District Church of the Nazarene has requested a waiver of the surfacing requirements for an expanded parking lot on property generally located at N. 14th Street and New Hampshire Street and legally described as:

Lots 1-3, Block 9, Cahn Metcalf & Farwell Subdivision
and half the vacated alley adjacent, Lincoln,
Lancaster County, Nebraska;

WHEREAS, the City Council finds that:

a. The parking lot for which the waiver of the surfacing requirement is requested is to be used in conjunction with a nonprofit institution;

b. Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoff, and safe circulation; and

c. The location of the parking lot is sufficient distance from surrounding uses that it will not adversely affect the surrounding uses, and the frequency of use of the parking lot is so low that compliance with the surfacing requirements at the present time would cause undue economic hardship upon the owner as compared with minimal impact upon the surrounding land uses.

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

In consideration of the findings made above, the requirement for the paving of the parking lot for Nebraska District Church of the Nazarene located at N. 14th Street and New Hampshire Street on property legally described above is hereby waived pursuant to § 27.67.100(c) of the Lincoln Municipal Code under the following conditions:

1. The applicant is responsible for controlling off-site dust emissions from the parking lot by using crushed rock and watering down the surface when necessary.

2. If it is later found that dust or noise, created by the use of the parking lot exceeds the maximum levels set forth in Title 8 of the Lincoln Municipal Code, then such waiver may, after notice and hearing by the City Council, be revoked, and thereafter the use of the parking lot shall cease unless surfaced in accordance with design standards.

3. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the permittee, its successors and assigns.

Introduced by Jonathan Cook

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

APPROVING CONTRACTS WITH CORNERSTONE PRINTING AND IMAGING, A TO Z PRINTING, AND CAPITOL GRAPHICS FOR OFFSET PRINTING AND RELATED SERVICES PER SPECIFICATION NO. 08-175 FOR A THREE-YEAR TERM WITH THE OPTION OF TWO ADDITIONAL ONE-YEAR TERMS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85019 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached contacts between Lancaster County, Nebraska, the Public Building Commission, and the City of Lincoln, Nebraska, as Owners, and Cornerstone Printing & Imaging, A to Z Printing, and Capitol Graphics, as Contractors, for offset printing and related services, wherein said contractors responded to the Rebid for Annual Requirements for Offset Printing and Related Services (Specification #08-175) and agree to provide such services for a three-year period with the option for two additional one-year terms as set forth in said contracts, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jonathan Cook

Seconded by Svoboda & 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 16 - 31, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85020 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 September 2, 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>	
Houghton Furr Jr.	\$ 824.59	Shirley West	\$ 207.70
John Regan	250,000.00	Terry & Alice Philippi and Beverly Harbach	457.28
		Monica & Travis Parker	208.80
		Kathryn Ebert	843.52
		Arctic Glacier Inc.	2,163.59
		Betty Beecham	2,755.25
		Terry J. Kurtzhals	20,000.00

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 Jonathan Cook

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

ADOPTING THE STARTRAN FARE STRUCTURE TO INCREASE VARIOUS FARES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85021 WHEREAS, pursuant to Section 2.38.100 of the Lincoln Municipal Code, the StarTran Advisory Board has made recommendations regarding increases in the StarTran Fare Structure; and

WHEREAS, the City Council, pursuant to said Code section, must review all recommendations and take final action thereon.

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

That the City Council, upon review of the recommendations of the StarTran Advisory Board, hereby accepts and adopts the following as the StarTran fare structure:

<u>FARE CATEGORY</u>	<u>EXISTING FARE</u>	<u>PROPOSED FARE</u>
Cash Fare	\$1.25	\$1.75
20-Ride Pass	\$23.00	\$33.00
31-Day Pass	\$35.00	\$45.00
Go-For-Less/Senior Cash Fare	\$0.60	\$0.85
Go-For-Less/Senior Saver (20 rides)	\$12.00	\$16.00
HandiVan/Brokerage Cash Fare	\$2.50	\$3.50
HandiVan/Brokerage 20-Ride Pass	\$46.00	\$66.00
HandiVan/Brokerage 31-Day Pass	\$70.00	\$90.00
Child (4 and Under)	FREE	No Change
Star Shuttle/Downtown Zone	\$0.30	\$0.25
Transfers	FREE	No Change
Ride 'N' Shop	Free to Public \$25.00	Eliminated
Holiday Light Tour	Paid in Advance - \$4.00	Eliminated
Big Red Express	Adult - \$4.00	No Change
	12 & under - \$1.00	No Change
HandiVan /Brokerage Cash Fare (7p.m.-10p.m.)	\$10.00	Eliminated
Low-Income 31-Day Pass	\$5.00	\$7.50
HandiVan Low Income 31-Day Pass	\$10.00	\$15.00
Two Ride Pass	\$2.50	\$3.50

BE IT FURTHER RESOLVED that the fare structure set forth above shall become effective on October 1, 2008, and upon that date Resolution No. A-83485 relating to fares shall be superseded.

Introduced by Jonathan Cook

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

ACCEPTING, APPROVING AND RATIFYING THE MULTIPLE PROVIDER CONTRACT BETWEEN THE STATE DEPARTMENT OF HEALTH & HUMAN SERVICES AND THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT FOR THE EVERY WOMAN MATTERS (EWM) PROGRAM FOR THE PERIOD OF JULY 1, 2007 THROUGH JUNE 30, 2012 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85022 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the multiple provider contract between the State Department of Health & Human Services and the Lincoln Lancaster County Health Department for the Every Woman Matters (EWM) Program for the period of July 1, 2007 through June 30, 2012, which is attached hereto, marked as Attachment A and incorporated herein by reference, wherein the Lincoln Lancaster County Health Department will provide routine health screenings, including annual pelvic and breast examinations, and health education to women between the ages of 40 and 64 who have limited or no health insurance and who have low to medium income, is hereby accepted, approved, and ratified.

Introduced by Jonathan Cook

Seconded by Svoboda & 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 PEROT SYSTEM REDEVELOPMENT PROJECT TAX ALLOCATION BOND, SERIES 2008, IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$3,750,000 - CLERK read an ordinance, introduced by Doug Emery, authorizing the issuance of not to exceed \$3,750,000 Perot Systems Tax Allocation Bonds, Series 2008, for the purpose of (1) paying all or part of the costs of acquiring, constructing, equipping and furnishing certain improvements within the City's Perot Systems Redevelopment Project, including acquiring real estate and/or interests in real estate in connection therewith, (2) paying the interest on the bonds through and including November 1, 2008 and (3) paying the costs of issuance thereof; prescribing the form and certain details of the bonds; pledging certain tax allocation and other tax revenues to payment of the principal of and interest on the bonds as the same become due; limiting payment of the bonds to such tax allocation and other tax revenues; creating and establishing funds and accounts; authorizing the sale and delivery of the bonds; delegating, authorizing and directing the finance director to exercise his own independent discretion and judgment in determining and finalizing the terms and provisions with respect to the bonds not specified herein; providing for application of the proceeds of the bonds; taking other action and making other covenants and agreements in connection with the foregoing; and related matters, the first time.

VACATION 08002 - REQUEST OF WHITEHEAD OIL COMPANY TO VACATE THE NORTH-SOUTH ALLEY BETWEEN CAPITOL PARKWAY AND VACATED CADWALLADER'S COURT BETWEEN SOUTH 21ST STREET AND VACATED SOUTH 22ND STREET. (RELATED ITEMS: 08-126, 08-127) - CLERK read an ordinance, introduced by Doug Emery, vacating the north-south alley between Capitol Parkway and vacated Cadwallader's Court between South 21st Street and vacated 22nd Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

COMP. PLAN CONFORMITY 08015 - REQUEST OF WHITEHEAD OIL COMPANY TO DECLARE APPROXIMATELY 2,144.25 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 21ST STREET AND CAPITOL PARKWAY AS SURPLUS AND AUTHORIZING THE SALE THEREOF TO THE ABUTTING PROPERTY OWNER. (RELATED ITEMS: 08-126, 08-127) - CLERK read an ordinance, introduced by Doug Emery, declaring 2,144.25 square feet of City-owned property generally located at the southeast corner of South 21st Street and Capitol Parkway as surplus and authorizing the sale thereof to the abutting property owner, the first time.

ORDINANCES - 3RD 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 - PRIOR to reading:

MARVIN Moved to accept Substitute Ordinance Bill No. 08-117S.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read a substitute 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; limiting payment of the bonds to such tax revenues; 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 third time.

CAMP Moved to pass the substitute ordinance.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19134, is recorded in Ordinance Book #26, Page

VACATION 08003 - VACATING THE NORTH/SOUTH ALLEY BETWEEN N. 60TH STREET AND N. 61ST STREET NORTH OF SEWARD AVENUE - PRIOR to reading:

MARVIN Moved MTA #1 to amend Bill No. 08-112 in the following manner:

1. On page 1, between lines 8 and 9, add a new Section 2 to read as follows:

Section 2. That the said north-south alley is hereby authorized to be sold to Aileen Elikier for the sum of \$400.00 subject to the following requirements:

(a) that Ms. Elikier obtain a driveway permit from the Department of Building and Safety to use the existing alley return on Seward Avenue as required by Chapter 14.58 of the Lincoln Municipal Code;

(b) that Ms. Elikier receive written permission from the adjacent property owner for the driveway approach to extend beyond the adjacent property owner's side property boundary extended as required by Section 3.2 of the City of Lincoln Driveway Design Standards; and

(c) that said sale shall be subject to the City retaining an easement for existing utilities located in the alley.

2. Renumber existing Section 2 as Section 3.

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

CLERK Read an amended 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 third time.

CAMP Moved to pass the ordinance as amended.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19135, is recorded in Ordinance Book #26, Page

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 third time.

CAMP 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 #19136, is recorded in Ordinance Book #26, Page

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 third time.

CAMP 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 #19137, is recorded in Ordinance Book #26, Page

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 - PRIOR to reading:

EMERY Moved MTA #1 to amend Bill No. 08-115 in the following manner:
1. On page 1, line 9, delete the words "upon condition that the City retain" and insert in lieu thereof the words, at its fair value for uses in accordance with the Antelope Valley Redevelopment Plan to NeighborWorks, KTR Development LLC or any other person for development or use consistent with the Antelope Valley Redevelopment Plan upon such terms and conditions the Mayor deems to be in the best interest of the City including but not limited to the City retaining.

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

CLERK Read an amended 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 third time.

CAMP Moved to pass the ordinance as amended.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Svoboda; NAYS: None; ABSTAIN: Spatz.
The ordinance, being numbered #19138, is recorded in Ordinance Book #26, Page

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) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85023 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and

WHEREAS, a text change to the Design Standards is necessary 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.

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

1. That 2.30, Street Lighting Design Standards, of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. 80518, be and the same is hereby deleted in its entirety as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

2. That Section 8 of Chapter 3.00 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. 80518, be and the same is hereby deleted as shown on Attachment "B" which is attached hereto and incorporated herein by reference.

3. That Section 3.8 of Chapter 3.45 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. 80518, be and the same is hereby deleted as shown on Attachment "C" which is attached hereto and incorporated herein by reference.

4. That Section 5 of Chapter 3.55 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. 80518, be and the same is hereby deleted as shown on Attachment "D" which is attached hereto and incorporated herein by reference.

5. That Chapter 3.100 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. 80518, be and the same is hereby amended to read as shown on Attachment "E" which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City of Lincoln recognizes that the City of Lincoln owns and is responsible for all costs of construction, operation and maintenance of class III lighting on public streets. Since the Lincoln Electric System (LES) has staff expertise in the area of lighting standards, design, operation and maintenance, LES has agreed to act as an advisor and contractor to the City for Class III lighting on public streets as described in Section 6 of Chapter 3.100. Therefore, the City hereby agrees to reimburse LES for the costs of these services provided to the City for lighting on public streets.

Introduced by Jon Camp

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

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 third time.

CAMP 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 **#19139**, is recorded in Ordinance Book #26, Page

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 third time.

CAMP 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 **#19140**, is recorded in Ordinance Book #26, Page

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 - PRIOR to reading:

SVOBODA Moved MTA #1 to amend Bill No. 08-119 in the following manner:

1. On page 6, line 18, 21, and 24, before the phrase "permit holder" add the words "food establishment."
2. On page 9, line 21, delete the word "Lat" and insert in lieu thereof the word "Late."
3. On page 10, line 19, delete the underlined amount of \$110.00 and insert in lieu thereof \$115.00.
4. On page 11, line 6, after 67% delete the word "if" and insert in lieu thereof the word "of".
5. On page 11, line 7, after the first word "biennial" insert the word "fee."

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

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 third time.

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19141**, is recorded in Ordinance Book #26, Page

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 third time.

CAMP 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 #19142, is recorded in Ordinance Book #26, Page

RECONSIDERATION

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 - PRIOR to reading:

SVOBODA Moved to Reconsider Bill No. 08R-209 adopted on 9/8/08 as Resolution A-85009.

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

SVOBODA Moved MTA #1 to amend the Control Program Regulations and Standards attached to Bill No. 08R-209 (Attachment "A") in the following manner:

1. In Article 1, Section 6 Annual Fees, paragraph (B)(8) delete the dollar amounts ~~\$200.00~~ and \$205.00 and insert in lieu thereof the amounts ~~\$250.00~~ and \$255.00.

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

CLERK Read the following amended resolution, introduced by Jon Camp, who moved its re-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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 22, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

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UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
September 22, 2008.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 7:49 P.M.

CAMP Moved to adjourn the City Council meeting of September 15, 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

Sandy L. Dubas, Senior Office Assistant