

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 24, 2009 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Emery; Council Members: Carroll, Camp, Cook, Emery, Hornung, Snyder, Spatz; City Clerk, Joan E. Ross.

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

READING OF THE MINUTES

CARROLL Having been appointed to read the minutes of the City Council proceedings of August 17, 2009 reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

IN MEMORIAM

Council Chair Emery shared on behalf of the City Council an expression of sympathy to the family following the recent loss of Terry Bundy. He said Mr. Bundy was a huge part of the success of Lincoln Electric System and the City of Lincoln appreciates all he has done.

PUBLIC HEARING - NONE

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 10, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 14, 2009 AT 3:00 P.M. FOR THE APPLICATION OF A.S. HOSPITALITY, INC. DBA CAPITAL CITY GRILL FOR A CLASS I LIQUOR LICENSE LOCATED AT 301 N. 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85486 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 14, 2009, at 3:00 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 A.S. Hospitality, Inc. dba Capital City Grill for a Class I liquor license located at 301 N. 8th Street.

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

Introduced by Jon Camp

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 14, 2009 AT 3:00 P.M. FOR THE APPLICATION OF RED HERRING CONCEPTS, LLC DBA TOAST FOR A CLASS CK LIQUOR LICENSE LOCATED AT 570 FALLBROOK BOULEVARD, SUITE 105 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85487 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 14, 2009, at 3:00 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 Red Herring Concepts, LLC dba Toast for a Class CK liquor license located at 570 Fallbrook Boulevard, Suite 105.

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

Introduced by Jon Camp

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

PUBLIC HEARING RESOLUTIONS - NONE

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (as required)

CREATING ALLEY RE-PAVING DISTRICT NO. 49 IN THE EAST-WEST ALLEY FROM 10TH TO 11TH STREETS, BETWEEN G AND H STREETS, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Jon Camp, creating Alley Re-paving District No. 49, defining the limits thereof, establishing the width of the alley roadway to be re-paved, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING SPECIAL ASSESSMENT SEWER DISTRICT NO. 1185 FOR THE PURPOSE OF CONSTRUCTING AN 8-INCH DIAMETER SANITARY SEWER IN 84TH STREET, HIGHWAY 6 TO APPROXIMATELY 430 FEET SOUTH OF FLETCHER AVENUE, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Jon Camp, creating Sewer District No. 1185, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING WATER DISTRICT NO. 1201 FOR THE PURPOSE OF CONSTRUCTING A 16-INCH DIAMETER WATER MAIN IN 84TH STREET FROM HIGHWAY 6 TO FLETCHER AVENUE AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Jon Camp, creating Water District No. 1201, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE, PLUMBING AND SEWERS, BY AMENDING SECTION 24.38.070 TO INCREASE PERMIT FEES RELATING TO ON-SITE WASTEWATER TREATMENT SYSTEMS AND CREATING A FEE FOR AN INSPECTOR PERMIT; 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 and creating a fee for an inspector permit; 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, the first time.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION, BY AMENDING SECTION 8.06.145 TO INCREASE OPEN BURNING PERMIT FEES; AMENDING SECTION 8.08.060 TO INCREASE BODY ART ESTABLISHMENT PERMIT FEES; AMENDING SECTION 8.08.150 TO INCREASE BODY ART PRACTITIONER PERMIT FEES; AMENDING SECTION 8.12.035 TO INCREASE SMALL FAMILY CHILD CARE HOME PERMIT FEES AND TO DECREASE THE ANNUAL FEE PAID FOR NEW CERTIFICATES OF COMPLIANCE ISSUED AFTER JULY 31 OF EACH YEAR; AMENDING SECTION 8.12.075 TO REVISE THE SMALL FAMILY CHILD CARE HOME LATE FEES TO BE A PERCENTAGE OF THE ANNUAL FEE; AMENDING SECTION 8.12.200 TO REVISE THE SMALL FAMILY CHILD CARE HOME REINSTATEMENT FEE TO BE A PERCENTAGE OF THE ANNUAL FEE; AMENDING SECTION 8.14.035 TO REPLACE A REFERENCE TO THE TERM "LEVEL III FOOD HANDLER" WITH "PREP/COOK FOOD HANDLER OR FOOD MANAGER" FOR THE TYPE OF PERMIT AN OPERATOR OR PERSON IN CHARGE OF FOOD PREPARATION MUST HOLD; AMENDING SECTION 8.14.037 TO INCREASE CHILD CARE PROGRAM PERMIT FEES; AMENDING SECTION 8.14.065 TO REVISE CHILD CARE PROGRAM LATE FEES TO BE A PERCENTAGE OF THE ANNUAL FEE; AMENDING SECTION 8.14.150 TO REVISE THE CHILD CARE PROGRAM REINSTATEMENT FEE TO BE A PERCENTAGE OF THE ANNUAL FEE; AMENDING SECTION 8.20.150 TO INCREASE FOOD CODE PERMIT FEES; AMENDING SECTION 8.24.150 TO INCREASE THE PERMIT FEE

FOR A VARIANCE OF THE NOISE CONTROL ORDINANCE; AMENDING SECTION 8.38.090 TO INCREASE PUBLIC SWIMMING POOL PERMIT FEES; AMENDING SECTION 8.40.070 TO INCREASE SPA FACILITY PERMIT AND INSPECTION FEES; AMENDING SECTION 8.44.070 TO INCREASE PERMIT FEES FOR WATER WELLS; AND REPEALING SECTIONS 8.06.145, 8.08.060, 8.08.150, 8.12.035, 8.12.075, 8.12.200, 8.14.035, 8.14.037, 8.14.065, 8.14.150, 8.20.150, 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; amending Section 8.08.150 to increase body art practitioner permit fees; amending Section 8.12.035 to increase small family child care home permit fees and to decrease the annual fee paid for new certificates of compliance issued after July 31 of each year; amending Section 8.12.075 to revise the small family child care home late fees to be a percentage of the annual fee; amending Section 8.12.200 to revise the small family child care home reinstatement fee to be a percentage of the annual fee; amending Section 8.14.035 to replace a reference to the term "Level III Food Handler" with "Prep/Cook Food Handler or Food Manager" for the type of permit an operator or person in charge of food preparation must hold; amending Section 8.14.037 to increase child care program permit fees; amending Section 8.14.065 to revise child care program late fees to be a percentage of the annual fee; amending Section 8.14.150 to revise the child care program reinstatement fee to be a percentage of the annual fee; amending Section 8.20.150 to increase food code permit fees; amending Section 8.24.150 to increase the permit fee for a variance of the noise control ordinance; amending Section 8.38.090 to increase public swimming pool permit fees; amending Section 8.40.070 to increase spa facility permit and inspection fees; amending Section 8.44.070 to increase permit fees for water wells; and repealing Sections 8.06.145, 8.08.060, 8.08.150, 8.12.035, 8.12.075, 8.12.200, 8.14.035, 8.14.037, 8.14.065, 8.14.150, 8.20.150, 8.24.150, 8.38.090, 8.40.070 and 8.44.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING 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; AMENDING SECTION 5.41.060 TO INCREASE THE OCCUPATION TAX LEVIED UPON SALVAGE OPERATIONS AND COMMERCIAL COMPOSTING OPERATIONS; AND REPEALING SECTIONS 5.41.050 AND 5.41.060 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; amending Section 5.41.060 to increase the occupation tax levied upon salvage operations and commercial composting operations; and repealing Sections 5.41.050 and 5.41.060 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 8.20 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN FOOD CODE, BY AMENDING SECTION 8.20.190 TO REQUIRE THE FOOD PERMIT HOLDER RATHER THAN THE FOOD ESTABLISHMENT TO MAINTAIN STAFFING RECORDS AND TO ARRANGE FOR AND REQUIRE ALL EMPLOYEES TO HAVE A VALID FOOD HANDLER PERMIT AND/OR FOOD MANAGER PERMIT; AMENDING SECTION 8.20.300 TO PROVIDE FOR REVOCATION OF A PERMIT UNDER THE LINCOLN FOOD CODE IN ADDITION TO SUSPENSION; AMENDING SECTION 8.20.310 TO CLARIFY EXISTING LANGUAGE REGARDING CONDITIONS FOR REISSUANCE OF A SUSPENDED PERMIT; AND REPEALING SECTIONS 8.20.190, 8.20.300, AND 8.20.310 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.20 of the Lincoln Municipal Code, the Lincoln Food Code, by amending Section 8.20.190 to require the food permit holder rather than the food establishment to maintain staffing records and to arrange for and require all employees to have a valid food handler permit and/or food manager permit; amending Section 8.20.300 to provide for revocation of a permit under the Lincoln Food Code in addition to suspension; amending Section 8.20.310 to clarify existing language regarding conditions for reissuance of a suspended permit; and repealing Sections 8.20.190, 8.20.300, and 8.20.310 of the Lincoln Municipal Code as hitherto existing, the first time.

ANNEXATION 09003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 27.52 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND HIGHWAY 2 (RELATED ITEMS 09-120, 09-121) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 09011 - APPLICATION OF ANDERMATT LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT SOUTHLAKE PUD FOR APPROXIMATELY 104,000 SQUARE FEET OF HEALTH CARE FACILITY, APPROXIMATELY 50,000 SQUARE FEET OF OFFICE, AND APPROXIMATELY 15,000 SQUARE FEET OF COMMERCIAL, AND APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES TO MODIFY STANDARDS OF THE UNDERLYING ZONING DISTRICT, SUBDIVISION REGULATIONS AND DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED AT S. 91ST STREET AND HIGHWAY 2 (RELATED ITEMS 09-120, 09-121) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 09020HP - APPLICATION OF WILLIAM J. AND MYRNA WOOD TO DESIGNATE THE ARNOTT AND LOUISA RICKETTS MANSION AT 400 SOUTH 33RD STREET AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Jon Camp, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

COMPREHENSIVE PLAN CONFORMANCE 09008 - DECLARING APPROXIMATELY 12.56 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND BLUFF ROAD AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 12.56 acres of City-owned property generally located at North 56th Street and Bluff Road as surplus and authorizing the sale thereof, the first time.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN M CLASS EMPLOYEES ASSOCIATION EFFECTIVE AUGUST 20, 2009.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR ATTORNEY (8/3/09 - PLACED ON PENDING; TO BE REMOVED FOR 1ST READING AT SAME TIME AS M CLASS HAS 1ST READING) - CLERK read an ordinance, introduced by Adam Hornung, amending Section 1 of Ordinance 18971 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by creating the job classification of "Senior Attorney", the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY REVISING THE CLASSIFICATION OF ATTORNEY II (8/3/09 - PLACED ON PENDING; TO BE REMOVED FOR 1ST READING AT SAME TIME AS M CLASS HAS 1ST READING) - CLERK read an ordinance, introduced by Adam Hornung, amending Section 1 of Ordinance No. 18971 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by changing the pay range for the position of Attorney II from an M03 (\$61,228.96 - \$119,394.08) to an M02 (\$48,821.76 - \$99,569.60), the first time.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING THE TITLE PAGE TO DELETE SECTION 2.76.160 COMPENSATION PLAN, VARIABLE MERIT PAY PLAN; AMENDING SECTION 2.76.040 DEFINITIONS, TO DEFINE EXCLUDED EMPLOYEE; AMENDING SECTION 2.76.130 POSITION AND PAY RANGE ALLOCATION, RELATING TO EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.135 MERIT PAY PLAN ESTABLISHED, TO INCLUDE EXCLUDED EMPLOYEES AND INCREASE THE MAXIMUM NUMBER OF MERIT PAY STEPS; AMENDING SECTION 2.76.145 MERIT PAY PLAN, ADMINISTRATION AND REQUIREMENTS FOR ADVANCEMENT, TO INCLUDE THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.150 MERIT PAY PLAN, PAY INCREASES FOR EXCEPTIONAL SERVICE, TO INCLUDE THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING 2.76.155 LONGEVITY PAY TO ADJUST THE ANNUAL LONGEVITY PAY PLAN RELATING TO CERTAIN "N" AND EXCLUDED EMPLOYEES; DELETING ALL OF SECTION 2.76.160 VARIABLE MERIT PAY PLAN; AMENDING SECTION 2.76.175 PROMOTION, TRANSFER, DEMOTION OR TEMPORARY PROMOTION RELATING TO THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.200 TEMPORARY ASSIGNMENT TO A HIGHER CLASSIFICATION RELATING TO THE NEWLY DEFINED EXCLUDED EMPLOYEES; AMENDING SECTION 2.76.380 SICK LEAVE WITH PAY, AS IT RELATES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY M, A, C, E, N, OR X; AND AMENDING SECTION 2.76.395 VACATION LEAVE WITH PAY AS IT RELATES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY M; AND REPEALING 2.76 TITLE PAGE AND SECTIONS 2.76.040, 2.76.130, 2.76.135, 2.76.145, 2.76.150, 2.76.155, 2.76.160, 2.76.175, 2.76.200, 2.76.380, AND 2.76.395 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING (8/3/09 - PLACED ON PENDING; TO BE REMOVED FOR 1ST READING AT SAME TIME AS M CLASS HAS 1ST READING) - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 2.76 of the Lincoln Municipal Code relating to the City's Personnel System by amending the Title Page to delete Section 2.76.160 Compensation Plan, Variable Merit Pay Plan; amending Section 2.76.040 Definitions, to define Excluded Employee; amending Section 2.76.130 Position and Pay

Range Allocation, relating to Excluded Employees; amending Section 2.76.135 Merit Pay Plan Established, to include Excluded Employees and increase the maximum number of merit pay steps; amending Section 2.76.145 Merit Pay Plan, Administration and Requirements for Advancement, to include the newly defined Excluded Employees; amending Section 2.76.150 Merit Pay Plan, Pay Increases for Exceptional Service, to include the newly defined Excluded Employees; amending 2.76.155 Longevity Pay to adjust the annual longevity pay plan relating to certain "N" and Excluded Employees; deleting all of Section 2.76.160 Variable Merit Pay Plan; amending Section 2.76.175 Promotion, Transfer, Demotion or Temporary Promotion relating to the newly defined Excluded Employees; amending Section 2.76.200 Temporary Assignment to a Higher Classification relating to the newly defined Excluded Employees; amending Section 2.76.380 Sick Leave with Pay, as it relates to employees with a pay range prefixed by M, A, C, E, N, or X; and amending Section 2.76.395 Vacation Leave with Pay as it relates to employees with a pay range prefixed by M; and repealing 2.76 Title Page and Sections 2.76.040, 2.76.130, 2.76.135, 2.76.145, 2.76.150, 2.76.155, 2.76.160, 2.76.175, 2.76.200, 2.76.380, and 2.76.395 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 2.78 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING SECTION 2.78.010 COMPENSATION PLAN ESTABLISHED TO EXCLUDE EMPLOYEES WITH A PAY RANGE PREFIXED BY M; AMENDING SECTIONS 2.78.020 ANNUAL LEAVE, 2.78.025 VARIABLE MERIT PAY PLAN, AND 2.78.030 SICK LEAVE TO DELETE THE REFERENCES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER M; AND REPEALING 2.78 TITLE PAGE AND SECTIONS 2.78.010, 2.78.020, 2.78.025, AND 2.78.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING (8/3/09 - PLACED ON PENDING; TO BE REMOVED FOR 1ST READING AT SAME TIME AS M CLASS HAS 1ST READING) - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 2.78 of the Lincoln Municipal Code relating to the City's Personnel System by amending Section 2.78.010 Compensation Plan Established to exclude employees with a pay range prefixed by M; amending Sections 2.78.020 Annual Leave, 2.78.025 Variable Merit Pay Plan, and 2.78.030 Sick Leave to delete the references to employees with a pay range prefixed by the letter M; and repealing 2.78 Title Page and Sections 2.78.010, 2.78.020, 2.78.025, and 2.78.030 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "M" TO BE EFFECTIVE AUGUST 20, 2009 (8/3/09 - PLACED ON PENDING; TO BE REMOVED FOR 1ST READING AT SAME TIME AS M CLASS HAS 1ST READING) - CLERK read an ordinance, introduced by Eugene Carroll, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M" and repealing Ordinance No. 18971, passed by the City Council on August 6, 2007, the first time.

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

APPROVING AN AMENDMENT TO SUBLEASE AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT DAS/STATE BUILDING DIVISION TO CHANGE THE AMOUNT OF SUBLEASE SPACE FROM 6,568 SQ. FT. TO 6,076 SQ. FT. OF OFFICE SPACE IN THE ONE STOP CAREER CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2007 THROUGH DECEMBER 31, 2011 - CLERK read an ordinance, introduced by John Spatz, accepting and approving the Amendment to Sublease Agreement between the City of Lincoln and DAS/State Building Division on behalf of Nebraska Workforce Development, Department of Labor, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2007 through December 31, 2011 to reduce the area leased from 6,568 sq. ft. of space to 6,076 sq. ft. to Nebraska Workforce Development, Department of Labor, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

SPATZ Moved to pass the ordinance as read.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered **#19293**, is recorded in Ordinance Book #26, Page

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS AT THE ONE STOP CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND

EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A ONE-YEAR TERM FROM APRIL 1, 2009 THROUGH MARCH 31, 2010 - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Sublease Agreement between the City of Lincoln and Experience Works for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of April 1, 2009 through March 31, 2010 whereby the City of Lincoln is subleasing 13,718 sq. ft. of space to Experience Works at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

SPATZ Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

The ordinance, being numbered #19294, is recorded in Ordinance Book #26, Page

APPROVING AN AMENDMENT TO THE SUBLEASE AGREEMENT BETWEEN THE CITY AND GOODWILL INDUSTRIES TO CHANGE THE AMOUNT OF SUBLEASE SPACE FROM 159 SQ. FT. TO 147 SQ. FT. IN THE ONE STOP CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF JANUARY 1, 2009 THROUGH DECEMBER 31, 2010 - CLERK read an ordinance, introduced by John Spatz, accepting and approving the Amendment to Sublease Agreement between the City of Lincoln and Goodwill Industries for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2009 through December 31, 2010 to reduce the area leased from 159 sq. ft. of space to 147 sq. ft. to Goodwill Industries at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

SPATZ Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

The ordinance, being numbered #19295, is recorded in Ordinance Book #26, Page

2009/2010 CITY BUDGET ORDINANCES AND RESOLUTIONS

AMENDING SECTIONS 3.24.080 AND 3.24.090 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE TELECOMMUNICATIONS OCCUPATION TAX RATE FROM 5.5% TO 6% OF GROSS RECEIPTS COMMENCING JANUARY 1, 2010; AND REPEALING SECTIONS 3.24.080 AND 3.24.090 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING (7/27/09 - Con't. P.H. concurrent w/City Budget on 8/10/09 at 2:30 p.m. w/Action on 8/24/09) - PRIOR to reading:

HORNUNG Moved to amend Bill No. 09-106 to delay commencement of the telecommunication occupation tax rate increase from January 1, 2010 to January 1, 2015.

Seconded by Camp & LOST by the following vote: AYES: Camp; NAYS: Carroll, Cook, Emery, Hornung, Snyder, Spatz.

CLERK Read an ordinance, introduced by Eugene Carroll, amending Sections 3.24.080 and 3.24.090 of the Lincoln Municipal Code to increase the telecommunications occupation tax rate from 5.5% to 6% of gross receipts commencing January 1, 2010; and repealing Sections 3.24.080 and 3.24.090 of the Lincoln Municipal Code as hitherto existing, the third time.

CARROLL Moved to pass the ordinance as read.
Seconded by Spatz & carried by the following vote: Carroll, Cook, Emery, Snyder Assenting; NAYS: Camp, Hornung, Spatz.
The ordinance, being numbered **#19296**, is recorded in Ordinance Book #26, Page

APPROVING A CHANGE OF THE FRANCHISE FEE ASSOCIATED WITH THE FRANCHISE TO PROVIDE GAS SERVICE FROM AN ANNUAL RATE OF \$0.39 TO \$0.43 PER FOOT OF GAS MAIN EFFECTIVE OCTOBER 1, 2009 (7/27/09 - Con't. P.H. concurrent w/City Budget on 8/10/09 at 2:30 p.m. w/Action on 8/24/09) - PRIOR to reading:

COOK Moved to amend Bill No. 09-107 in the following manner:
1. On page 1, lines 8 and 11, delete the dollar amount of "\$0.43" and insert in lieu thereof the dollar amount of \$0.429.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Snyder, Spatz; NAYS: Hornung.

CLERK Read an ordinance, introduced by Eugene Carroll, approving a change of the franchise fee associated with the franchise to provide gas service from an annual rate of \$0.39 to \$0.43 per foot of gas main effective October 1, 2009, the first time.

CARROLL Moved to pass the ordinance as amended.
Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Snyder, Spatz; NAYS: Camp, Hornung.
The ordinance, being numbered **#19297**, is recorded in Ordinance Book #26, Page

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES COMMENCING NOVEMBER 2009 (8/3/09 - To have P.H. on 8/10/09 concurrent w/City Budget Hearing at 2:30 p.m. w/Action on 8/24/09)- CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85488 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Sections 17.60.020 and 17.60.030 of the Lincoln Municipal Code to establish wastewater charges for all customers of the Lincoln Wastewater System.

WHEREAS, the wastewater rate increases are based upon financial projections which demonstrate the necessity for the increase to support the construction of needed facility improvements, debt service, and the operation and maintenance of the system to provide community-wide wastewater service.

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

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

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

Effective with the "H" billing cycle commencing in November 2009, the following schedule of wastewater use charges is hereby established and adopted:

BASIC WASTEWATER USE CHARGE

(a) The basic wastewater use unit charge is hereby established as 168.5 cents.

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

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

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

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

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

SERVICE CHARGE

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

WATER METER SIZE	SERVICE CHARGE
5/8 inch	\$ 1.36
3/4 inch	1.36
1 inch	1.36
1-1/2 inch	2.72
2 inch	5.45
3 inch	12.26
4 inch	21.80
6 inch	49.06
8 inch	87.20
10 inch	136.26

The minimum service charge for a multiple dwelling unit or a mobile home shall be at least \$0.81 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$1.36 per dwelling unit.

WASTEWATER RATES TO CUSTOMERS OUTSIDE
THE CITY LIMITS

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

BE IT FURTHER RESOLVED that Resolution No. A-84990, adopted by the City Council on August 25, 2008 is hereby superseded.

Introduced by Jayne Snyder

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES COMMENCING NOVEMBER 2009.

(8/3/09 - To have P.H. on 8/10/09 concurrent w/City Budget Hearing at 2:30 p.m. w/Action on 8/24/09) - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85489 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Section 17.22.010 of the Lincoln Municipal Code to establish water use charges for all customers of the Lincoln Water System.

WHEREAS, the water rate increases are based upon financial projections which demonstrate the necessity for the increase to support the construction of needed facility improvements, debt service, and the operation and maintenance of the system to provide community-wide water service.

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

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

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

Effective with the "H" billing cycle commencing in November 2009 the following schedule of water use charges is hereby established and adopted:

SCHEDULE A

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

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

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

269.0 cents per 100 cubic feet for all additional water used each month.

The monthly Service Charge shall be hereinafter provided.

SCHEDULE B

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

122.0 cents per 100 cubic feet for the first 8000 cubic feet of water used per month.

173.5 cents per 100 cubic feet for all additional water used each month.

The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE C

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

The following fees would apply:

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

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

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

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

The minimum monthly Service Charge shall be as hereinafter provided.

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

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

WATER METER SIZE	SERVICE CHARGE FOR WATER METER
5/8 inch	\$ 3.10
3/4 inch	3.10
1 inch	3.10
1-1/2 inch	6.20
2 inch	12.39
3 inch	27.88
4 inch	49.56
6 inch	111.46
8 inch	198.19
10 inch	309.65

The Service Charge for a multiple dwelling unit or mobile home shall be at least \$1.90 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$3.10 per dwelling unit. A dwelling unit shall, for the purpose of this schedule, be defined as a room or rooms in which kitchen facilities are provided, located in the building or structure used by a facility or household as a home or residence of the family or household.

WATER RATES TO CUSTOMERS OUTSIDE
THE CITY LIMITS

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

BE IT FURTHER RESOLVED that Resolution No. A-84989, adopted by the City Council on August 25, 2008, is hereby superseded.

Introduced by Jayne Snyder

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ACTION ON THE 1 & 6 YEAR STREET & HIGHWAY PROGRAM, THE 2009/10 CITY OF LINCOLN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FY 2009/10 - 2014/15 (Action Date: 8/24/09) - PRIOR to reading:

COOK Moved to amend Bill No. 09R-137 in the following manner:
1. Amend the Substitute Resolution to replace Schedule 2 with the attached Schedule 2.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

COOK Moved to accept the Substitute Resolution as Bill No. 09R-137S reflecting all changes.

Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Snyder; NAYS: Camp, Hornung, Spatz.

CAMP Moved MTA #1 to amend Bill No. 09R-137S in the following manner:

1. On page 2, in Article 7, delete the Fast Forward Fund and have a Public Hearing.

Seconded by Spatz & **LOST** by the following vote: AYES: Camp, Hornung, Spatz; NAYS: Carroll, Cook, Emery, Snyder.

CAMP Moved MTA #2 to amend Bill No. 09R-137S in the following manner:

1. On page 3, delete Article 15.

Seconded by Spatz & **LOST** by the following vote: AYES: Camp, Hornung, Spatz; NAYS: Carroll, Cook, Emery, Snyder.

CAMP Moved MTA #3 to amend Bill No. 09R-137S in the following manner:

1. On page 3, delete Article 16.

Seconded by Spatz & **LOST** by the following vote: AYES: Camp, Hornung, Spatz; NAYS: Carroll, Cook, Emery, Snyder.

CAMP Moved MTA #4 to amend Bill No. 09R-137S in the following manner:

1. On page 3, delete Article 17.

Seconded by Spatz & **LOST** by the following vote: AYES: Camp; NAYS: Carroll, Cook, Emery, Hornung, Snyder, Spatz.

CAMP Moved MTA #5 to amend Bill No. 09R-137S in the following manner:

1. On page 4, delete Article 20.

Seconded by Spatz & **LOST** by the following vote: AYES: Camp, Spatz; NAYS: Carroll, Cook, Emery, Hornung, Snyder.

CAMP Moved MTA #6 to amend Bill No. 09R-137S in the following manner:

1. On page 4, delete Article 21.

Seconded by Hornung & **LOST** by the following vote: AYES: Camp, Hornung, Spatz; NAYS: Carroll, Cook, Emery, Snyder.

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

A-85490 WHEREAS, under the provisions of Section 25 and 25a of Article IX of the Charter of the City of Lincoln, the proposed annual budget for the City of Lincoln was submitted on July 6, 2009; and

WHEREAS, under the provisions of Section 26 of Article IX of the City Charter, a public hearing on the proposed budget was held on August 10, 2009 notice thereof having been published in one issue of the Lincoln Journal Star, a newspaper of general circulation in the City, more than five days before such hearing; and

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

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

1. That pursuant to the provisions of Article IX of the Charter of the City of Lincoln, the budget for the fiscal year beginning September 1, 2009, a copy of which is hereto attached and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and the several sums therein set forth to be raised by the levy of a tax upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, the estimated balances on hand, the miscellaneous receipts and all other funds and receipts are hereby appropriated for the several purposes therein stated. That all money received in any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

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

3. Pursuant to Section 2 of L.B. 989 passed by the Second Session of the Ninety-Fifth Legislature, the City is authorized to increase budgeted restricted funds by the basic allowable growth percentage of the base (2.5%) and allowable growth due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year above 2.5% expressed in dollars and to utilize other lid exemptions authorized in L.B. 989. Such increase is hereby authorized to the extent necessary to generate the revenues to fund the budget, and any unused restricted funds authority is hereby authorized to be carried forward to future budget years.

4. Upon affirmative vote by more than 75% of the City Council restricted funds for Fiscal Year 2009-10 shall be increased by an additional one percent (1%) as provided by Neb. Rev. Stat. Section 13-519.

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

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

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

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

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

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

11. All receipts for on street parking meter collections are pledged toward the payment of bonds assigned for payment from the Parking Revenue Fund. Parking meter receipts in excess of those required to meet provisions of the bond covenants shall be credited to the General Fund up to the amounts budgeted.

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

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

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

15. There is hereby established Fund #240 to be known as the Helen Boosalis Icons of the City Trust Fund. It is the intent to use the proceeds only from the income generated by the Fund. Such proceeds shall be used to ensure the maintenance and enhancement of Lincoln's legacies. The initial Icons shall be the Sunken Gardens, Rose Gardens, Pioneers Park, Sherman Field, Centennial Mall, Stransky Park and Holmes Lake Park, and others to be determined by the City Council and the Mayor. Nothing herein shall prevent the City from deleting any Icon from inclusion. Funds must be matched by private donations. The remaining details of the program shall be proposed by the Mayor and adopted by

Council Resolution. There is hereby appropriated all money now credited or which will be credited to the Helen Boosalis Icons of the City Trust Fund notwithstanding any sum limitation set forth in the budget attached hereto.

16. There is hereby established Fund #235 to be known as the Development Services Center Fund, the purpose of which is to fund certain start-up costs and one time costs associated with the establishment of the Development Services Center. There is hereby appropriated all money now credited or which will be credited to the Development Services Center Fund notwithstanding any sum limitation set forth in the budget attached hereto.

17. There is hereby established Fund #040 to be known as the Cash Reserve Trust Fund, the purpose of which is to provide a budget contingency which will help preserve City services in difficult economic times. Funds may be appropriated with Mayor and City Council Approval.

18. There is hereby established Fund #245 to be known as the Crawford Trust Fund, the purpose of which is to hold funds required to be distributed from the Crawford Trust per IRS regulation. Such funds shall be held by the City of Lincoln until such time as the Mayor and City Council shall determine the use that most appropriately follows the intent of the donor.

19. There is hereby designated and appropriated General Fund cash balances in an amount equal to the amounts received from any Telecommunication Occupation Tax audit adjustments made in 2009-10. Such amounts shall be deposited in the Cash Reserve Trust Fund.

20. It is hereby designated and determined that \$6,000,000 from the Special Assessment Revolving Fund shall be surplused and transferred to the Fast Forward Fund as of August 31, 2009. The purpose of the Fast Forward Fund created by Resolution A-84988 shall hereby be modified to provide priority for economic development and/or infrastructure projects. Any project relating to a business shall be required to show: (1) that new employees added as a result of the project will meet a median wage requirement that is 120% of the county average wage or greater and (2) that the business derives 50% or more of its revenue from outside the county. Any project not related to a particular business must be in the CIP, which has been evaluated for conformance with the Comprehensive Plan. The Mayor or any member of the City Council may recommend projects for consideration. The eligibility of projects and the amount of funding must be approved on a case-by-case basis by resolution of the City Council. There is hereby appropriated all money now credited or which will be credited to the Fast Forward Fund notwithstanding any sum limitation set forth in the budget attached hereto.

21. It is determined that a surplus of \$282,000 exists within the Special Assessment Revolving Fund and such surplus shall be transferred to the Development Services Center Fund created elsewhere by this resolution.

22. It is determined that a surplus of \$392,000 exists within the Special Assessment Revolving Fund and such surplus shall be transferred to the General Fund.

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

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

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

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

	Appropriated Amount-90%	Total Tax As Levied-100%	Per \$100 Market Value
General	\$25,116,696	\$27,907,440	0.17723
Library	5,636,128	6,262,364	0.03977
Social Security	1,368,997	1,521,108	0.00966
Police & Fire Pension	3,562,793	3,958,659	0.02514
Bond and Interest Redemption	5,113,188	5,681,320	0.03608

27. There is hereby authorized the transfer to the appropriate reserve accounts of all encumbrances, including accrued payroll, for the fiscal year ending August 31, 2009, together with any monies previously so reserved.

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

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

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

31. Per resolution A-82134 passed by the City Council on June 9, 2003 establishing an unreserved fund balance policy for the City, the General Fund unreserved fund balance as of the last audited financial statements as of August 31, 2008 was \$27,584,763. This August 31, 2008 unreserved balance is 23.98% of the General Fund budget for 2009-10 of \$115,020,430 included in this resolution. The August 31, 2008 unreserved balance was 3.98% greater than the 20% goal for such balance set by Resolution A-82134.

32. That the appropriations for the following items be transferred effective August 31, 2009 up to the following amounts:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 18002.5856	General Expense/City Share of Downtown Maint.	
	\$11,103	
To: 413536.6137	Urb. Dev. Street Tree Replacement CIP Proj.	
	\$11,103	
	(also increases 13001.9234 U.D. CIP Transf.)	
From: 18002.5647	General Expense/Corrections	\$35,000
To: 11001.9235	Planning/O & M Transfers	\$10,000
03001.5021	Law/Salaries	\$25,000

33. That the cash for the following items be transferred effective August 31, 2009:

From: 10005.9220	Personnel/Risk Mgmt./Workers Comp. Fund	\$20,000
To: 10011.9140	Personnel/Risk Mgmt./Excess Self Ins. Fund	
	\$20,000	
From: 10009.9220	Personnel/Risk Mgmt./Insurance Premiums Fund	
	\$375,000	
To: 10014.9220	Personnel/Risk Mgmt./	
	Long Term Disability Fund	\$175,000
10005.9220	Personnel/Risk Mgmt./Workers Comp. Fund	\$200,000
From: Fund 215	Property Tax Refunds Fund	\$6247.59
Fund 420	1991 G.O. Various Purpose Bonds	\$52,921
Fund 130	Tax Sale Revolving Fund	\$580.19
To: 18800.9140	General Fund	\$59,748.78

34. In order to have the 2009-10 City of Lincoln C.I.P. correspond with the Railroad Transportation Safety District C.I.P. lapse \$900,000 of the \$1,000,000 of 2008-09 C.I.P. appropriations that were not expended as of June 30, 2009 which is the end of the Railroad Transportation Safety District fiscal year for C.I.P. project #203 - S.W. 40th Viaduct. These lapsed appropriations in the amount of \$900,000 shall be reappropriated in the 2009-10 City of Lincoln C.I.P. as they are in the Railroad Transportation Safety District C.I.P.

35. That the following unexpended appropriations are reappropriated effective August 31, 2009 up to the following amounts:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
11001.5728	Planning/Schools & Conferences	\$915
11002.5021	Planning/Salaries	\$3,750
18002.6144	General Expense/Special Assessments (sidewalks)	\$115,953
18002.5624	General Expense/Auditing Service	\$170,741
18002.5878	General Expense/Problem Resolution Team	\$26,450
18002.5880	General Expense/Graffiti Abatement	\$21,025
01001.5989	City Council/Misc. Other Serv. & Charges	\$11,373
18002.5856	General Expense/City Share of Downtown Maintenance	\$28,274
18002.5659	General Expense/Oracle Financial System	\$102,186
18002.6024	General Expense/City Share-Impact Fees (Low Income)	\$203,618
06065.6076	Finance/Radio Shop/Misc. Equipment	\$1,645
06065.6085	Finance/Radio Shop/Radio Equipment	\$96,236
09250.9246	Parks/KENO/Unprogrammed KENO Appropriations	\$26.10
09250.5621	Parks/KENO/Misc. Contractual	\$16,571
14004.5621	Library/Keno/Misc. Contractual	\$12,000
18002.5621	Gen. Expense/Misc. Contr.	\$173,424
08001.5633	Bldg. & Safety/Admin.	\$113,548
08001.5761	Building & Safety/Microfilming	\$45,000
08012.6076	Bldg. & Safety/Fire Inv./Misc. Equip.	\$22,000
18002.5970	General Expense/Court & Litigation	\$14,370
18002.5642	General Expense/Legal Services	\$74,032
18002.5998	General Expense/Witness Fees	\$41,947
17004.5638	Com. Health Endowment/Grants	\$1,311,243
18002.5865	General Expense/Minor Bldg. & Grounds Improve.	\$7,500
70315.6998	P.W. & U./Water/AVL System Equipment	\$30,000
70600.6998	P.W. & U/Water/AVL System Equipment	\$4,058
79110.6076	Public Works & Util./St. Maint./Drainage/	\$6,701
79110.5621	Public Works & Util./Drainage/Misc. Contractual	\$40,000
13025.5621	Urban Dev./Downtown Civic Plaza	\$100,000
72505.6998	Wastewater/Sanitary Eng./Equip.	\$85,500
18140.5870	Willard Com. Ctr./Other Bldg. Maint.	\$1,031
18002.5632	General Expense/Systems Dev. I.S.	\$13,812
06024.6069	Finance/Info. Serv./D.P. Equip.	\$4,500
0402b.5952	Police/Admin. Support/Advertising	\$32,344
0402b.6062	Police/Admin. Support/Audio Visual Equip.	\$210,542
0402b.6069	Police/Admin. Support/D.P. Equip.	\$14,187
0402b.6076	Police/Admin. Support/Misc. Equip.	\$26,613
0402b.6085	Police/Admin. Support/Radio Equip.	\$170,000

36. That unencumbered appropriations and cash (where necessary) from the budget for the fiscal year beginning September 1, 2008 be transferred and reappropriated up to the following amounts effective August 31, 2009:

From:	18002.5081	General Expense/Fuel	\$260,000
	18002.5647	General Expense/Corrections	\$506,320
To:	12161.5120	Animal Control/Salaries	\$75,000
	18002.5980	General Expense/Reimbursements (annexations)	\$42,000
	03001.5021	Law/Salaries	\$28,000
	18002.5621	General Expense/Misc. Contractual	\$250,000
	18002.5652	General Expense/Shared Services - Pub. Defender	\$15,000
	18002.5642	General Expense/Legal Services	\$100,000
	18002.5966	General Expense/Industrial Promotion (Spec.Olympics)	\$75,000
	18002.5624	General Expense/Auditing	\$100,000
	18002.6069	General Expense/D.P. Equipment	\$50,000

	295085.9140	Abe Lincoln Celebration	\$30,820
	18140.5870	Willard Com. Ctr./Other Bldg. Maint.	\$500
From:	70600.7731	P.W. & U./Water/Debt Service	\$152,200
To:	70100.6998	P.W. & U./Water/Capital Outlay	\$11,493
	70200.6998	P.W. & U./Water/Capital Outlay	\$19,707
	70320.6950	P.W. & U./Water/Contractual Services	\$50,000
	70320.6998	P.W. & U./Water/Capital Outlay	\$28,000
	70400.6950	P.W. & U./Water/Contractual Services	\$37,500
	70400.6998	P.W. & U./Water/Capital Outlay	\$5,500
From:	12174.6234	Health/Info. & Fisc./Debt Service	
	\$40,000		
To:	12125.5621	Health/Env. Health/Food/Misc. Contractual	\$40,000
From:	08004.6069	Bldg. & Safety/Bldg. Insp./D.P. Equip.	\$8,336
	08005.6069	Bldg. & Safety/County/D.P. Equip.	
			\$1,409
	08007.6069	Bldg. & Safety/Mechanical/D.P. Equip.	\$4,755
	08008.6069	Bldg. & Safety/Electrical/D.P. Equip.	\$5,929
	08009.6069	Bldg. & Safety/Plumbing/D.P. Equip.	\$5,925
	08010.6069	Bldg. & Safety/Min. Housing/D.P. Equip.	\$1,469
	08011.6069	Bldg. & Safety/Apt. Lic./D.P. Equip.	\$4,491
	08012.6069	Bldg. & Safety/Fire Inv./D.P. Equip.	\$3,382
	08013.6069	Bldg. & Safety/Fire Prev./D.P. Equip.	\$6,246
To:	08002.6069	Bldg. & Safety/Bus. Office/D.P. Equip.	\$41,942

37. There is hereby appropriated to each departmental operating budget 100% of the unencumbered operating appropriations as shown in the final Appropriation Status Report as of August 31, 2008 up to the amount shown below:

FUND	AMOUNT
General	\$1,886,000
Health	\$100,000
Library	\$275,000
Aging	\$100,000
StarTran	\$600,000
911 Communications	\$50,000

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

Introduced by Jonathan Cook

Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Snyder; NAYS: Camp, Hornung, Spatz.

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

Council Member Hornung offered condolences on behalf of the City Council to the Johnson family for their loss of Emily Johnson in a recent traffic accident.

Council Member Spatz exited the Council Chambers.

CAMP Moved to approve resolutions to have Public Hearing on August 31, 2009 with the exception of Bill No. 09R-155 to be placed on Pending. Seconded by Hornung & **LOST** by the following vote: AYES: Camp; NAYS: Carroll, Cook, Emery, Hornung, Snyder; ABSENT: Spatz.

PENDING -

COOK Moved to extend the Pending List to August 31, 2009. Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAYS: Camp; ABSENT: Spatz.

UPCOMING RESOLUTIONS

COOK Moved to approve resolutions to have Public Hearing on August 31,
2009.
 Seconded by Carroll & carried by the following vote: AYES:
Carroll, Cook, Emery, Hornung, Snyder; NAYS: Camp; ABSENT: Spatz.

ADJOURNMENT 4:33 P.M.

COOK Moved to adjourn the City Council meeting of August 24, 2009.
 Seconded by Carroll & carried by the following vote: AYES:
Carroll, Cook, Emery, Hornung, Snyder; NAYS: Camp; ABSENT: Spatz.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant