

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 31, 2009 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Emery; Council Members: Camp, Carroll, Cook, 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

COOK Having been appointed to read the minutes of the City Council proceedings of August 24, 2009 reported having done so, found same correct.

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

PUBLIC HEARING

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 - Roger Figard, Public Works & Utilities, stated the residents were notified by certified mail and stated there needs to be a 51% majority in favor to go ahead with the project.

This matter was taken under advisement.

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;

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 - Holly Lionberger, Public Works & Utilities, stated this was a request from Bus Whitehead to serve properties at 84th and Cornhusker Highway. One of the properties is owned by the City of Lincoln on which is an LES substation. The project could start within five to six months.

Roger Figard, Public Works & Utilities, stated the utility situation fits into the life safety health issue and at the Council's discretion they can chose to order those improvements in because they are a health and service issue where the paving is less. All property owners were notified by certified mail. The water main is in an industrial area which requires 12" water mains but Lincoln Water System shows in their Master Plan that it needs to be 16". There is approximately a \$35,000 subsidy that will come from Lincoln Water System to upsize the water main.

Don Taute, Assistant City Attorney, stated the Charter requires a majority of frontage by petition in paving districts. It does not have the same requirements for sewer and water.

Karl Fredrickson, Kirkham Michael Consulting Engineers, 411 S. 13th St., came forward representing Bus Whitehead requesting this project be built yet this year. Industrial planning calls for a 12" water main, but if the area served does not require a 12" it can be requested by Public Works to put in what actually is required. City Staff in previous meetings indicated the area only needs an 8" pipe so we want to be assessed for only an 8" pipe.

This matter was taken under advisement.

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 - Scott Holmes, Manager of Environmental Health Dept., stated these fees are part of the budget proposal for the upcoming year which will be approximately 3% on an average. This will change the fee for putting in a sewage system by about \$10.00, as an example, and for property transfers that happen in the three mile limit that are served by private water and sewer which will increase the review cost by \$5.00. Incremental fees are brought forward each year rather than doing larger increases every few years.

This matter was taken under advisement.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION, BY AMENDING SECTION 8.06.145 TO INCREASE 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 - Scott Holmes, Manager of Environmental Health Dept., stated these fees are part of the budget proposal for the upcoming year which will be approximately 3% on an average with some of the fees being \$5.00 to \$10.00 more than last year. Fees had not increased in a portion of the Child Care code last year. Some language has been modified in the code. This matter was taken under advisement.

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 - Manager of Environmental Health Dept., stated these fees are for salvage operations which we inspect and they pay for the cost of the inspections. The fees have changed by about \$5.00 for these inspections. This matter was taken under advisement.

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 - Scott Holmes, Manager of Environmental Health Dept., stated the food code was reviewed which resulted in the changed wording to include proper direction in which enforcement should be against the permit holder not the establishment. The establishment doesn't hold the permit. A correction was made to include the word revocation in the enforcement provisions of the language. The process for suspension or revocation is first the inspection, then the notice of violation which is personal communication between the director and the operator to take action during a certain time frame, then the operator needs to respond in writing. If they do not comply a food enforcement warning is issued. If they do not respond then a suspension is issued. The last step would be revocation. This matter was taken under advisement.

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;
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 - DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward on behalf of Andermatt, LLC who owns the property subject to the application. The infrastructure has been planned to serve this area. The north half of the property is designed for a health care facility and the south half is for office, retail, restaurant type users.

Mitch Elliot, Chief Development Officer for Vetter Health Services, stated they have a long history of developing retirement housing and skilled nursing facilities in the Midwest. They own two facilities in Lincoln the Milder Manor and Village Manor. The design is to accommodate 120 residents: 40 short-term rehab, 20 Alzheimer & dementia care, and 60 long-term care. They will employ 130 to 150 full-time employees. This facility will have a chapel, beauty shop, café, and coffee shop.

Ms. Kalkowski came forward to answer the strip along 98th Street was actually for the construction of 98th Street. It will stay zoned Agricultural and is anticipated for residential, multi-family development.

Marvin Krout, Director of Planning, answered the question about Annexation 8026 noted on the map with Annexation 9003 stating this includes both parcels.

This matter was taken under advisement.

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 - William J. Wood, 808 D Street, came forward to answer questions.

This matter was taken under advisement.

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 - David Landis, Director of Urban Development, stated Game & Parks Department wants to buy this property. The appraised value for this property is \$4,200 per acre and it was agreed to sell this property for the appraised value amount. The total amount would be \$52,000 of which this money will go back to the solid waste area. Games and Parks would like to control this area for the purpose of moving and consolidating heavy equipment which is currently at various places in the City. It is not anticipated the neighbors in this area will have a public reaction to the planned use of the property.

This matter was taken under advisement.

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;
AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY REVISING THE CLASSIFICATION OF ATTORNEY II;
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;
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;
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 - Mark Koller, Personnel Director, came forward to request on behalf of the Mayor and himself to hold these items over until September 14th to give them time to address questions by the Council to bring clarity. The Council is welcome to meet with him one on one or can set up a session to address questions. A summary of the proposals will be prepared.

Don Taute, Ass't. City Attorney, stated there were a number of changes in the Personnel Code so substitute ordinances have been prepared for these ordinances which addresses vacation issues and longevity. Also, the step pay plan no longer exists so appendices have been added relative to the variable merit plan. A one page document of the changes have been prepared and will be given to Council members electronically by Friday.

Rick Hoppe, Mayor's Chief of Staff, stated it would be best to issue a written document to the Council members then have face to face meetings if wanted.

Mike Morosin, 1500 N. 15th St., came forward to question if the citizens of Lincoln were paying for Union negotiations and why don't the Union's pay for part of these negotiations?

Jon Camp, Council Member, stated there are provisions in the Union contracts for negotiation hours and other union activities.

John Spatz, Council Member suggested he talk to his State Senator because by law the City Council may not be able to make these changes.

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 JULY 16 - 31, 2009 - Paul Canarsky, came forward to show a video of the portion of a tree sitting on City property that had fallen on his car. The purpose was to show the decay of the tree and to express his opinion that the City should have been aware of this decay when they removed a limb previously. He feels the City should pay for the damage to his car.

John Hendry, City Attorney, stated for the City to be liable they need to be negligent. In order for the City to be liable it would have to be shown the City had actual or constructive knowledge of a dangerous condition or damage to the tree. There was no evidence the City was negligent as there was no sign of decay in April 2007 when a hanging branch was removed. When the tree was felled it was inspected which revealed some internal decay that would not have been visible to the naked eye if it was inspected one minute or one second before it fell.

Bob Wehyrich, Asst. City Arborist, stated what Mr. Hendry stated was correct. An aerial, visual inspection is done when responding to a hazard situation such as a hanging branch. The crews look for decay in the crown of the tree and base rot or large holes in the trunk of the tree which would be a detriment to the stability of the tree. They did not see any of this when they responded to the hazardous call in 2007.

This matter was taken under advisement.

IDENTIFYING AND DECLARING THE AREA GENERALLY LOCATED ALONG SOUTH STREET FROM THE ALLEY WEST OF 9TH STREET TO 19TH STREET AS THE SOUTH STREET BUSINESS AREA; APPROVING THE APPOINTMENT OF ANA COX, KEN FUGERON, JESSI GIBSON, DAVID REESE, BRET RICHARDSON AND DEAN SETTLE AS MEMBERS OF THE SOUTH STREET BUSINESS AREA IMPROVEMENT BOARD; AND DIRECTING THE BOARD TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL FOR THE ESTABLISHMENT OF A PLAN FOR IMPROVEMENTS IN THE SOUTH STREET BUSINESS AREA - Wynn Hjermstad, Urban Development, came forward to explain the South Street Business & Civic Board want to create a Business Improvement District to maintain the South Street Streetscape after it was constructed. The Board will identify what maintenance items will be included in the BID. They are asking for approval.

The following came forward to introduce themselves:

Ana Cox, treasurer of South Street Civic & Business Association.

Jessica Gibson, Chairman of South Street Civic & Business Association.

Bret Richardson, Board member of South Street Civic & Business Association and owner of Char Grill.

Dean Settle, appointee of County Board to represent County properties along South Street on the South Street Civic & Business Association.

Mr. Richardson stated they are looking forward to get started with the BID.

This matter was taken under advisement.

INCREASING FEES FOR SPECIAL WASTE PERMITS AS AUTHORIZED UNDER CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE - Scott Holmes, Manager of Environmental Health Dept., stated these are incremental fee increases to the special waste permit fees. Businesses that generate waste that are not hazardous, but need some sort of management protocol to assure safety of disposal at the landfill have to submit for a special waste permit. These fees have increased \$5.00 to \$10.00.

This matter was taken under advisement.

AMENDING THE LINCOLN LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS AND STANDARDS TO INCREASE THE NOTIFICATION FEE FOR NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) ASBESTOS PROJECTS AND CONSTRUCTION PERMIT FEES - Scott Holmes, Manager of Environmental Health Dept., stated these fees are a slight modification from last year. These fees are for asbestos projects and the Engineering Review fees for businesses that have to have a construction permit relative to pollution.

This matter was taken under advisement.

ADOPTING FEES TO COVER THE EXPENSES OF CONDUCTING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT COMPLIANCE INSPECTIONS AT REGULATED INDUSTRIAL FACILITIES BY HEALTH DEPARTMENT STAFF - Scott Holmes, Manager of Environmental Health Dept., stated these fees are charged to businesses to assure they are in compliance with their state or federally permitted pollution for stormwater. This keeps them protected from actions by EPA and to assure the City complies with it's permit to allow water to go down the storm drains.

This matter was taken under advisement.

AUTHORIZING AND SUPPORTING THE APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO ASSIST WITH FUNDING THE CONSTRUCTION OF THE STONEBRIDGE TRAIL CONNECTING THE ALVO ROAD TRAIL NEAR 14TH AND ALVO ROAD WITH THE 14TH STREET TRAIL NEAR 14TH AND HUMPHREY - Terry Genrich, Parks & Recreation Dept., stated this is a resolution that is required as part of their 80/20 grant application. 20% is coming from the City from impact fees in that zone.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN POLICE UNION EFFECTIVE AUGUST 20, 2009 - John Cripe, Personnel Dept., came forward to answer questions. There were minor changes with regard to incident reports, vacation section, clarified the annual shift bidding process that occurs in November, tuition reimbursement to include outside training of which this part of the budget is controlled by the Chief who will determine how necessary it is for the department, and sick leave. 1 1/4% increase cost of living was agreed upon. There were no increased hours for Union negotiations. A system will be in place for next year to track all the time being used for Union business.

This matter was taken under advisement.

A RESOLUTION BINDING THE CITY AS A SUB-RECIPIENT OF FEDERAL AID FUNDING FOR CERTAIN TRANSPORTATION FACILITIES (ROADS, STREETS, TRAILS AND OTHERS) TO COMPLY WITH ALL APPLICABLE FEDERAL LAW, INCLUDING THE RULES AND REGULATIONS OF THE FEDERAL HIGHWAY ADMINISTRATION, ALL APPLICABLE STATE LAW RULES AND REGULATIONS (NEBRASKA ADMINISTRATIVE CODE) AND THE REQUIREMENTS OF THE LPA GUIDELINES MANUAL OF THE NEBRASKA DEPARTMENT OF ROADS (INCLUDING THE CONSULTANT SELECTION PROCESS), THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA), THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT (UNIFORM ACT) AND TO MAINTAIN ADEQUATE FINANCIAL MANAGEMENT SYSTEMS AND DESIGNATING CERTAIN DIRECTORS AS RESPONSIBLE FOR MANAGEMENT OF THE CONSULTANT SELECTION PROCESS, THE NEPA AND THE UNIFORM ACT AND AUTHORIZING DON HERZ AS DIRECTOR OF THE FINANCE DEPARTMENT TO SIGN THE LPA FINANCIAL MANAGEMENT SYSTEMS CERTIFICATION - Chad Blahak, Public Works & Utilities, stated this is part of the process the State and Federal Highways is putting into place giving new levels of transparency and accountability in regards to the federal funds. This is not just for stimulus related projects it will be on all federally funded projects. Each public agency is asked to file this legal document to acknowledge that they are following the rules. This is additional scrutiny being placed on the Department of Roads and federal highways from the providers of the federal funding.

Mike Morosin, 1500 N. 15th St., asked what and how can you assure the citizens of Lincoln the City will follow these rules and apply them fairly to all? What oversight group will the citizens be able to bring their grievances to and receive a fair hearing of this?

This matter was taken under advisement.

SPECIAL PERMIT 09016 - APPLICATION OF THE MENTAL HEALTH ASSOCIATION OF NEBRASKA FOR A HEALTH CARE FACILITY, INCLUDING REQUESTED WAIVER OF REQUIRED FRONT AND SIDE YARD LANDSCAPING AND TO REDUCE THE REQUIRED SIDE YARD SETBACKS FROM 10 FEET TO 5 FEET, ON PROPERTY GENERALLY LOCATED SOUTH OF VAN DORN STREET ON SOUTH 14TH STREET - Alan Green, Executive Director of Mental Health Association of Nebraska, came forward proposing to open a crisis aversion house, peer run facility, where up to four individuals can come and stay for up to five days. These individuals are adults who have specific knowledge of their illness that start to feel symptoms and triggers. This is a safe place for them to come and work with peer alleviating those symptoms and coming up with strategies to lead normal lives. He addressed a letter referencing concerns of this house in the neighborhood: the funding is from the State Behavioral Services which is secure; parking potentially could have up to six parking places, but do not anticipate the need for more than five; negative consequences are not anticipated on property value as the property will be kept up and maintained to create a home environment; this facility will be peer run with no clinical staff on hand and no medication management. The advisory council will work closely with the Community Mental Health Center, Crisis Center, Lincoln Police Department, neighbors, and a number of other crisis units and consumers who would be using this property to help format the policies and procedures. Potential for violence is no more likely to occur with those living with mental illness than any other segment of the population. Peer Specialists will be trained to include First Aid and CPR. They do not live at this location. The home will be leased.

Gary Hill, 2815 S. 14th Street, a neighbor living next door came forward to express his concern that they will not make improvements to the house. He is also concerned people will think it is a group home which could make it harder to sell his house someday.

Ken Karmazin, 1300 S. 49th Street, came forward representing the mentally ill in the community having been diagnosed as bipolar. He is in favor of this respite house.

Lisa Alexander, no address given, came forward in favor as a neighbor who lives four houses away.

Lucas Peterson, 2520 R Street, came forward in favor. He feels this facility is needed for the mentally ill population.

Brad Franklin, 2828 S. 14th Street, a neighbor who is against this facility being across the street from his home. He is highly supportive of this project.

Dean Settle, Director of Mental Health Association Center, stated he feels this project will work. He stated that informed people wouldn't need to go to the Crisis Center or call the police instead they would call the respite house for help.

Mr. Green thanked all those who expressed concerns and stated the advisory committee will notify the neighbors of meetings and will send them the minutes of the meetings.

Marvin Krout, Director of Planning, stated that Special Permits can be revoked.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING EUGENE CARROLL TO THE PUBLIC BUILDING COMMISSION FOR A FOUR-YEAR TERM EXPIRING AUGUST 1, 2013 - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85491 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Eugene Carroll to the Public Building Commission for a four-year term expiring August 1, 2013, is hereby approved.

Introduced by Jane Snyder

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 17, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON JULY 31, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 09021 - App. of Planning Director amending Chapter 27.81 of the Lincoln Municipal Code relating to General Provisions of the Zoning Code by adding a new section numbered 27.81.021 to provide a procedure for appeals of administrative approvals by the Planning Director and by adding a new section numbered 27.81.022 to provide the manner for giving notice of the Planning Director's grant of administrative approvals.

Change of Zone 09022 - App. of Planning Director for the creation of a special sign district, on property located at N. 48th Street and N. 50th Street on the north side of O Street.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 14, 2009 AT 3:00 P.M. FOR THE APPLICATION OF RICKETY CRICKET DBA N STREET DRIVE IN FOR A CHANGE OF LOCATION FROM 1835 N STREET TO 1801 O STREET - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption for approval:

A-85492 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., 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 Application of Rickety Cricket dba N Street and N. 50th Street on the north side of O Street.

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

Introduced by Jane Snyder

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

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 second 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 second 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 second time.

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE, PLUMBING AND SEWERS, BY AMENDING SECTION 24.38.070 TO INCREASE PERMIT FEES RELATING TO ON-SITE WASTEWATER TREATMENT SYSTEMS AND 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 second time.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION, BY AMENDING SECTION 8.06.145 TO INCREASE OPEN BURNING PERMIT FEES; AMENDING SECTION 8.08.060 TO INCREASE BODY ART ESTABLISHMENT PERMIT FEES; 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 second time.

AMENDING CHAPTER 5.41 OF THE LINCOLN MUNICIPAL CODE RELATING TO SALVAGING, RECYCLING, AND COMPOSTING OPERATIONS BY AMENDING SECTION 5.41.050 TO INCREASE THE PERMIT FEES REQUIRED UNDER THAT CHAPTER; 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 second 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 second 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 second 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 second 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 second 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 second time.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN M CLASS EMPLOYEES ASSOCIATION EFFECTIVE AUGUST 20, 2009 - PRIOR to reading:

COOK Moved to continue public hearing & action of Bill No. 09R-150 on 9/14/09.

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

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) - PRIOR to reading:

COOK Moved to continue public hearing & action of Bill No. 09-97 on 9/14/09.

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

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 second 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) - PRIOR to reading:

COOK Moved to continue public hearing & action of Bill No. 09-98 on 9/14/09.

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

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 second 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) - PRIOR to reading:

COOK Moved to continue public hearing & action of Bill No. 09-100 on 9/14/09.

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

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 second 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) - PRIOR to reading:

COOK Moved to continue public hearing & action of Bill No. 09-101 on 9/14/09.

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

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 second 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) - PRIOR to reading:

COOK Moved to continue public hearing & action of Bill No. 09-103 on 9/14/09.

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

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 second time.

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 1 - 15, 2009 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85493 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated August 17, 2009, 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>
Dan Schaaf	\$770.40	None

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

Introduced by Jon Camp

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 16 - 31, 2009. (8/17/09 - CLAIM OF PAUL AND MARIA CANARSKY HELD OVER FOR P.H. & ACTION ON 8/31/09) - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85494 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated August 3, 2009, 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>
Paul & Maria Canarsky	\$3,253.00

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 John Spatz

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

IDENTIFYING AND DECLARING THE AREA GENERALLY LOCATED ALONG SOUTH STREET FROM THE ALLEY WEST OF 9TH STREET TO 19TH STREET AS THE SOUTH STREET BUSINESS AREA; APPROVING THE APPOINTMENT OF ANA COX, KEN FUGERON, JESSI GIBSON, DAVID REESE, BRET RICHARDSON AND DEAN SETTLE AS MEMBERS OF THE SOUTH STREET BUSINESS AREA IMPROVEMENT BOARD; AND DIRECTING THE BOARD TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL FOR THE ESTABLISHMENT OF A PLAN FOR IMPROVEMENTS IN THE SOUTH STREET BUSINESS AREA - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85495 WHEREAS, the City is authorized by the Business Improvement District Act (*Neb. Rev. Stat. §§ 19-4015-19-4038*) (the Act) to create Business Improvement Districts within an established business area of the City zoned for Business, Public or Commercial purposes to provide means to raise the necessary funds for the purpose of providing and maintaining the improvements authorized by the Act; and

WHEREAS, the City wishes to identify a Business Area to be improved as provided in the Act and appoint a Business Area Improvement Board to study and make recommendations to the City Council for the establishment of a plan or plans for improvements in the Business Area consistent with the Act; and

WHEREAS, the area generally located along South Street from the alley west of 9th Street to 19th Street, as more particularly set forth in Attachment "A" attached hereto and incorporated herein by this reference, consists of land zoned for Business, Public or Commercial purposes under the City of Lincoln Zoning Code.

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

1. The Area described in Attachment "A" is eligible to be and is hereby declared to be an established Business Area of the City of Lincoln to be known as the "South Street Business Area".

2. The Mayor has appointed, and the City Council hereby approves, the following persons consisting of property owners, residents, business operators or users of space within the South Street Business Area as members of a Business Improvement Board to be known as the "South Street Business Improvement Board":

Ana Cox
Ken Fugeron
Jessi Gibson
David Reese
Bret Richardson
Dan Settle

3. The above-named members of the South Street Business Improvement Board have agreed to and shall serve without compensation for a three year term or until their successors are appointed and qualified as provided under the Act.

4. The South Street Business Improvement Board shall make recommendations to the City Council for the establishment of a plan or plans for improvements in the South Street Business Area.

5. The South Street Business Improvement Board may make recommendations to the City Council on the proposed boundaries for any Business Improvement Districts to be established in the South Street Business Area. The Board may also make recommendations as to the use of funds collected in any type of assessments, if any, related to the South Street Business Area.

6. The South Street Business Improvement Board shall comply with the Act and meet according to law and such rules and by-laws as the Board shall adopt.

Introduced by Jon Camp

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

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

A-85496 WHEREAS, the City Council adopted Resolution No. A-85008 on September 8, 2008, and is authorized under Chapter 8.32 of the Lincoln Municipal Code to establish and revise fees and minimum quantities for the issuance of Special Waste Permits; and

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

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

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

- A. Group 1: Wastes That May Contain Free Liquids
1. Cooking oil and grease. Any quantity going to the Theresa Street Wastewater Treatment Plant Dump Station requires a permit, which permit may be issued as a blanket permit covering multiple disposals as provided on the permit. Annual Permit Fees: None.
Waste in excess of one gallon per month or one pound per load disposed at a waste disposal site other than the Theresa Street Wastewater Treatment Plant Dump Station requires a Special Waste Permit. Annual permit fee: ~~\$165.00~~ \$170.00.
 2. Cooking grease trap waste. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None.
For all other disposal sites. Annual permit fee: ~~\$165.00~~ \$170.00.
 3. Mud or sand from sumps or traps. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None.
For all other disposal sites. Annual permit fee: ~~\$165.00~~ \$170.00.
 4. Septic tank waste. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plan Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fee: ~~\$165.00~~ \$170.00.
 5. Chemicals and waste from portable or chemical toilets. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fee: ~~\$165.00~~ \$170.00.
 6. Sewage or other organic residues or sludges. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plan Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fees: ~~\$165.00~~ \$170.00.
 7. Sludges containing a liquid concentration of 80% or more by weight or material producing free liquids in a Standard Paint Filter Test. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fee: ~~\$165.00~~ \$170.00.
- Group II: Petroleum-based Wastes
8. Petroleum type grease trap waste. Any quantity requires a permit. Annual permit fee: ~~\$275.00~~ \$285.00.
 9. Sludges from petroleum tanks. Any quantity requires a permit - Annual permit fee: ~~\$275.00~~ \$285.00.
 10. a. Used oil filters. Any quantity requires an annual permit - Annual permit fees:
Less than 220 pounds per month - \$60.00.
220 pounds or more a month - ~~\$275.00~~ \$285.00.
 - b. Petroleum contaminated soil and granular absorbents. Permitted Quantity: 220 pounds per month or more - Annual permit fee: ~~\$275.00~~ \$285.00.
 - c. Petroleum contaminated refuse or other materials except oil filters, soil and granular absorbents. Any quantity requires a permit - Annual permit fee:
Quantities up to 220 pounds per month - \$60.00.
Quantities 220 pounds or more per month - ~~\$275.00~~ \$285.00.
 11. Petroleum contaminated water. Permitted quantity: 55 gallons per month or more - Annual permit fee: ~~\$275.00~~ \$285.00.

12. Oil, lubricants, hydraulic fluids, fuels, and other petroleum products. Any quantity requires a permit. Permit issued only for incineration in a used oil burning heating unit - Annual permit fee; \$30.00.

Group III: Empty Containers

13. Pressurized containers or containers that may explode upon crushing. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit.

For all other disposal sites: any quantity requires a permit - Annual Permit fee: ~~\$165.00~~ \$170.00.

14. Containers over five gallons in size. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit.

For all other disposal sites: Any quantity requires a permit - Annual Permit fee: ~~\$165.00~~ \$170.00.

15. Empty containers labeled "DANGER" or which once contained hazardous material. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit.

For all other disposal sites: Any quantity requires a permit - Annual permit fee: ~~\$165.00~~ \$170.00.

16. Fuel tanks. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit.

For all other disposal sites - Any quantity requires a permit - Annual permit fee: ~~\$165.00~~ \$170.00.

Group IV: Solvents, Absorbents, Filters, and Residues

17. Solvents, degreasers, strippers, thinners, and related products. Any quantity requires a permit. Annual permit fee: ~~\$165.00~~ \$170.00.

18. Refuse containing solvents, degreasers, strippers, or thinners. Any quantity requires a permit - Annual permit fee: ~~\$165.00~~ \$170.00.

19. Lime or other inorganic residues or sludges. Minimum quantities: twenty-five gallons or 43 pounds per month - Annual permit fee: ~~\$275.00~~ \$285.00.

20. Paint dry waste, filters, and paint contaminated material. Minimum quantities: 43 pounds per month - Annual permit fee: ~~\$275.00~~ \$285.00.

21. Fly ash. Minimum quantities: 43 pounds per month - Annual permit fee: ~~\$275.00~~ \$285.00.

22. Bottom ash. Minimum quantities: 43 pounds per month - Annual permit fee: ~~\$275.00~~ \$285.00.

Group V: Hazardous or Toxic Chemicals or Chemical Products

23. Antifreeze or treatment chemicals for boilers, heat exchangers, cooling towers, and similar uses. Minimum quantities: Five gallons or more per day - Annual permit fee: ~~\$165.00~~ \$170.00.

24. Chemicals labeled WARNING for toxics and pesticides: Minimum quantities: One pint or one pound per load or more - Annual permit fee: ~~\$275.00~~ \$285.00.

25. Pharmaceutical products. Minimum quantities: More than five gallons or 43 pounds per month - Annual permit fee: ~~\$275.00~~ \$285.00.

26. Adhesives, sealants, coatings or catalysts. Minimum quantities: More than five gallons or 43 pounds per month - Annual permit fee: ~~\$275.00~~ \$285.00.

27. Material containing between 25 and 100 percent of the maximum concentration of any Toxic Characteristic Leaching Procedure (TCLP) listed chemical as referenced in 30 CFR 261.24, Table 1 or that exceeds a concentration of 0.3 mg/kg of nickel. Minimum quantities: More than five gallons or 43 pounds per month - annual permit fee; ~~\$275.00~~ \$285.00.

28. Hazardous or potentially hazardous waste or chemicals labeled "DANGER."

Any quantity requires a permit - Annual permit fee: ~~\$275.00~~ \$285.00.

Group VI: Miscellaneous

29. Treated or untreated infectious waste from hospitals. Any quantity requires a permit - Annual permit fee: ~~\$275.00~~ \$285.00.

30. Treated or untreated infectious waste from other than hospitals. Any quantity requires a permit - Annual permit fee: \$30.00.

31. Waste containing or likely to contain polychlorinated biphenyls (PCB). Any quantity requires a permit - Annual permit fee: ~~\$165.00~~ \$170.00.

32. Waste containing asbestos. Wastes from National Emission Standards of Hazardous Air Pollutants (NESHAP) and Nebraska Department of Health (NDOH) permitted removal projects in Lincoln and Lancaster County do not require a Special Waste Permit.

All other asbestos waste material in any quantity requires a permit - Annual permit fee: \$60.00.

33. Material other than asbestos that could create a health hazard if airborne. Any quantity requires a permit - Annual permit fee:

~~\$165.00~~ \$175.00.

34. Wood that has been treated with hazardous or toxic chemicals. Quantities more than 43 pounds per month - Annual permit fee: \$60.00.
35. Any other solid waste which, because of its physical, chemical or biological characteristics, requires special handling, treatment or disposal methodologies in order to protect public health, safety, and the environment. Any quantity requires a permit - Annual permit fee: ~~\$165.00~~ \$170.00.

F. General

1. If the Health Department identifies a new special waste stream due to process changes or otherwise, such special waste stream shall require an additional application, permit, and permit fee even if the special waste generator has an existing permit for a separate waste stream, including an existing permit for the same waste or waste category.
2. New industries, commercial operations, or home occupations disposing special wastes shall file a completed inventory/permit application with the Lincoln-Lancaster county Health Department within six months.
3. Inventory/permit applications from existing special waste generators must be filed within 60 days of notification by the Health Director. If, after notice has been sent, an inventory/permit application is received by the Lincoln-Lancaster County Health Department after 60 days or if the application is postmarked after the 60-day period, the resulting permit, if issued, will be assessed an additional ~~\$55.00~~ \$60.00.

BE IT FURTHER RESOLVED that City Council Resolution No. A-85008 shall be superseded by the terms of this resolution.

Introduced by Jon Camp

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

AMENDING THE LINCOLN LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS AND STANDARDS TO INCREASE THE NOTIFICATION FEE FOR NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) ASBESTOS PROJECTS AND CONSTRUCTION PERMIT FEES - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85497 WHEREAS, the City Council adopted Resolution No. A-85009 on September 8, 2008, and is authorized under Chapter 8.06 of the Lincoln Municipal Code to establish and revise fees; and

WHEREAS, the Health Director has re-evaluated the estimated costs and available resources to administer, operate and enforce the provisions of Chapter 8.06, and the Lincoln-Lancaster County Air Pollution Control Regulations and Standards and has determined that certain revisions are appropriate.

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 Attachments "A" and "B", respectively, and made a part hereof by reference, which Amendments increase the notification fee for a National Emission Standards for Hazardous Air Pollutants (NESHAPS) asbestos projects and construction permit fees, respectively, are hereby approved.

BE IT FURTHER RESOLVED that City Council Resolution No. A-85009 shall be superseded by the terms of this resolution.

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

Introduced by Jon Camp

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

ADOPTING FEES TO COVER THE EXPENSES OF CONDUCTING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT COMPLIANCE INSPECTIONS AT REGULATED INDUSTRIAL FACILITIES BY HEALTH DEPARTMENT STAFF - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85498 A-85498 WHEREAS, the City Council adopted Resolution No. A-84821 on April 14, 2008, and is authorized under Chapter 28.02 of the Lincoln Municipal Code to establish and revise fees which the City may charge for National Pollutant Discharge Elimination System (NPDES) stormwater permit compliance inspections; and

WHEREAS, the Health Director has re-evaluated the estimated costs and available resources to administer, operate and enforce Lincoln Municipal Code Chapter 28.02, Illicit Discharges, and has determined that certain revisions are appropriate.

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

Commencing on the effective date of this resolution, the following schedule of costs for NPDES stormwater permit compliance inspection fees shall be as follows:

SCHEDULE OF COSTS

NPDES Permit Type	Annual Inspection Fee
General	\$400.00 \$410.00
No Exposure	\$300.00
Late payment within 30 days after March 1	Annual fee plus 33% of annual fee
Late payment after 30 days after March 1	Annual fee plus 67% of annual fee

BE IT FURTHER RESOLVED that City Council Resolution No. A-84821 shall be superseded by the terms of this resolution.

Introduced by Jon Camp

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

AUTHORIZING AND SUPPORTING THE APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO ASSIST WITH FUNDING THE CONSTRUCTION OF THE STONEBRIDGE TRAIL CONNECTING THE ALVO ROAD TRAIL NEAR 14TH AND ALVO ROAD WITH THE 14TH STREET TRAIL NEAR 14TH AND HUMPHREY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85499 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 the Stonebridge Trail connecting the Alvo Road Trail near 14th and Alvo Road with the 14th Street Trail near 14th and Humphrey through the Stonebridge neighborhood; and

WHEREAS, the total estimated cost of the project is \$544,492, with \$108,898 identified in the CIP budget with funds coming from impact fees and \$435,594 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 trail 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 Stonebridge 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN POLICE UNION EFFECTIVE AUGUST 20, 2009 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85500 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln Police Union, to be effective August 20, 2009, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jon Camp

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

A RESOLUTION BINDING THE CITY AS A SUB-RECIPIENT OF FEDERAL AID FUNDING FOR CERTAIN TRANSPORTATION FACILITIES (ROADS, STREETS, TRAILS AND OTHERS) TO COMPLY WITH ALL APPLICABLE FEDERAL LAW, INCLUDING THE RULES AND REGULATIONS OF THE FEDERAL HIGHWAY ADMINISTRATION, ALL APPLICABLE STATE LAW RULES AND REGULATIONS (NEBRASKA ADMINISTRATIVE CODE) AND THE REQUIREMENTS OF THE LPA GUIDELINES MANUAL OF THE NEBRASKA DEPARTMENT OF ROADS (INCLUDING THE CONSULTANT SELECTION PROCESS), THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA), THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT (UNIFORM ACT) AND TO MAINTAIN ADEQUATE FINANCIAL MANAGEMENT SYSTEMS AND DESIGNATING CERTAIN DIRECTORS AS RESPONSIBLE FOR MANAGEMENT OF THE CONSULTANT SELECTION PROCESS, THE NEPA AND THE UNIFORM ACT AND AUTHORIZING DON HERZ AS DIRECTOR OF THE FINANCE DEPARTMENT TO SIGN THE LPA FINANCIAL MANAGEMENT SYSTEMS CERTIFICATION - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85501 WHEREAS, certain transportation facilities (roads, streets, trails, and others) in the City of Lincoln have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

WHEREAS, the City of Lincoln desires to continue to participate in Federal-Aid transportation construction programs;

WHEREAS, the Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

WHEREAS, the City of Lincoln as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads, including the Consultant Selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management Systems;

WHEREAS, the City of Lincoln understands that the failure to meet all requirements for federal funding could lead to projects being declared ineligible for federal funds, which could result in the City of Lincoln being required to repay some or all of the federal funds expended for a project.

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

The City of Lincoln does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management Systems.

BE IT FURTHER RESOLVED THAT the City of Lincoln does hereby designate the following persons as responsible for the management of the following processes:

Consultant Section process: the Director of Public Works and Utilities Department, the Director of Parks and Recreation Department, the Director of Planning Department, and the Director of the Urban Development Department.

The National Environmental Policy Act (NEPA): The Director of Public Works and Utilities Department, the Director of Parks and Recreation Department, the Director of Planning Department, and the Director of the Urban Development Department.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act): the Director of Urban Development.

BE IT FURTHER RESOLVED that following individual is hereby authorized to sign the Financial Management Systems Certification attached to this Resolution: Don Herz, Finance Director.

The City Clerk is directed to return the executed copies of this Resolution to the Public Works and Utilities Department, to obtain Don Herz's signature on the Financial Management Systems Certificate and transmittal of this Resolution and the Certification to the State Department of Roads.

Introduced by Jon Camp

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

SPECIAL PERMIT 09016 - APPLICATION OF THE MENTAL HEALTH ASSOCIATION OF NEBRASKA FOR A HEALTH CARE FACILITY, INCLUDING REQUESTED WAIVER OF REQUIRED FRONT AND SIDE YARD LANDSCAPING AND TO REDUCE THE REQUIRED SIDE YARD SETBACKS FROM 10 FEET TO 5 FEET, ON PROPERTY GENERALLY LOCATED SOUTH OF VAN DORN STREET ON SOUTH 14TH STREET. (8/17/09 - P.H. W/ACTION CON'T TO 8/31/09) - PRIOR to reading:

CARROLL Moved to amend Bill No.09R-141 on page 2, line 5, after the word "time" insert the following: , with guests allowed to stay at the facility for a maximum of five consecutive days.

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

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

A-85502 WHEREAS, Mental Health Association of Nebraska has submitted an application designated as Special Permit No. 09016 for authority to operate a health care facility with no more than four guests and one peer adviser utilizing the facility at any given time together with requested waivers to waive required front and side yard landscaping and to reduce the required side yard setbacks from 10 feet to 5 feet, on property generally located south of Van Dorn Street on South 14th Street, and legally described to wit:

Lot 4, Block 24, Knob Hill Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this health care facility will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Mental Health Association of Nebraska, hereinafter referred to as "Permittee", to operate a health care facility with no more than four guests and one peer adviser utilizing the facility at any given time, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.080 of the said health care facility be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits the property at 2817 S. 14th Street to be used for a health care facility specifically a convalescent home with no more than four guests and one peer adviser utilizing this facility at any given time, with guests allowed to stay at the facility for a maximum of five consecutive days. This approval further waives the requirement that side and front yards be landscaped and reduces the side yard setbacks from 10 feet to 5 feet.

2. Before receiving building permits the Permittee shall cause to be prepared and submitted to the Planning Department for review and approval a revised and reproducible final site plan including five copies which:

- a. Adds the following notes to the site plan:
 - i. Buildings shall not occupy more than thirty-five percent of the total land area covered by the special permit.
 - ii. The required side yards shall each be 5 feet.
 - iii. Front and side yard landscaping is not required.
 - iv. Two off street parking stalls shall be provided
- b. Adds the following note to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with Lincoln Municipal Code § 27.69.160, Special Permitted Uses, and must be approved by Building & Safety Department prior to installation".

3. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

4. Before occupying buildings or starting the operation of the health care facility all development and construction is to substantially comply with the approved plans.

5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

6. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

7. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

Introduced by John Spatz

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

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF "CRIME ANALYSIS MANAGER" - CLERK read an ordinance, introduced by Adam Hornung, amending Section 1 of Ordinance No. 18967 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 "A," by creating the job classification of "Crime Analysis Manager", the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required) - NONE

OPEN MICROPHONE SESSION

Dale Gardner, 4415 Calvert Street, came forward to request sidewalks be repaired in an eight block area of his neighborhood. He stated he has fallen three times while walking his dog. Mr. Gardner presented pictures he had taken of these sidewalks. He questioned why these sidewalks have not been fixed and why there isn't money to fix them.

Jane Snyder, Council Member, asked Mr. Gardner to identify where he has fallen and submit it to Public Works and Utilities.

Roger Figard, Public Works & Utilities, said he would take the pictures and the addresses of the sidewalks in need of repair.

Jon Camp, Council Member, extended well wishes to Omaha Councilman Chuck Sigerson who recently had a heart attack.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 14, 2009.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve resolutions to have Public Hearing on September 14, 2009.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 9:06 P.M.

CAMP Moved to adjourn the City Council meeting of August 31, 2009.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

