THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 23, 2010 AT 3:00 P.M.

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

Vice Council Chair Carroll announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

SNYDER Having been appointed to read the minutes of the City Council proceedings of August 16 reported having done so, found same correct.

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

CONDOLENCES

Vice Chair Carroll expressed the City Council’s condolences to the family of Eric Kohles, a very good employee for the Public Works & Utilities Department for the City of Lincoln.

MAYOR’S AWARD OF EXCELLENCE

Mayor Beutler presented the Mayor’s Award of Excellence for the month of July to Shirley Terry for the Community Health Services Division of the Health Department in the category of Customer Relations and Productivity. She was nominated by the Maternal Child Health Services team. She has worked with the State and community developing information helping mothers access prenatal care while keeping staff informed of program changes. She was instrumental in getting the electronic health system to work efficiently for the team’s charting needs. She has the ability to approach complex situations with a client and come up with alternatives and ideas to resolve the issue. She also advocates for her staff bringing in speakers from the community to keep her team informed and is a good listener and motivator.

Judy Halstead, Health Department, stated the Administration admires her as well. Three years ago a program needed to be reduced being a very difficult and emotional time for staff which she did with a lot of class, dignity and compassion.

PUBLIC HEARING

APPLICATION OF NEBRASKA FRESH-MEX LLC DBA QDOBA MEXICAN GRILL FOR A CLASS I LIQUOR LICENSE AT 211 NORTH 12TH STREET;
MANAGER APPLICATION OF JAMES A. PAGE FOR NEBRASKA FRESH-MEX, LLC DBA QDOBA MEXICAN GRILL AT 211 NORTH 12TH STREET - James A. Page, Operating Partner of Qdoba Mexican Grill, 2913 N. 161st Terrace, Omaha, NE, took oath and came forward to answer questions. The entrance will be on P Street. This is a fast, casual Mexican restaurant which is the second Qdoba in Lincoln as we have been at the Westfield Mall for five years. We also have four stores in Omaha and two in Sioux Falls.

This matter was taken under advisement.

APPROVING THE 98TH AND HOLDREGE CONDITIONAL ZONING AGREEMENT BETWEEN M. KENT AND MARSHA PRIOR AND THE CITY OF LINCOLN REGARDING A CHANGE OF ZONE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL TO ALLOW THREE SINGLE FAMILY DWELLING LOTS, ONE OUTLOT, AND A BUILD THROUGH PLAN FOR FUTURE URBANIZATION ON PROPERTY GENERALLY LOCATED AT 98TH STREET AND HOLDREGE STREET;
CHANGE OF ZONE 10007 - APPLICATION OF KENT PRIOR FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 98TH STREET AND HOLDREGE STREET - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Kent Prior. He stated this is about 12½ acres of ground near the intersection of 98th and Holdrege. Currently, the property is being used as a Christmas tree farm. The reason for the change of zones is to create a couple additional lots in order to sell the existing home to his son and daughter-in-law who wish to help him out with the farm and currently he would be able to build a house for himself on one of the lots with the potential to build another one if the opportunity arises. This piece of property has very little potential for urbanization. There is a draw that runs through this property with proper drainage. A legitimate concern is whether or not this property is going to need to be annexed and a sewer built through it in order to re-subdivide some of those acreage properties. They are asking not to have to do a preliminary plat at this time as it is too expensive and takes a lot of time. We would be willing to do a final plat that would convey easements to the City now which will assure access to the sewer. We are willing to grade the building envelopes for the two new lots in such a way to assure there is adequate access to those lots.
Marvin Krout, Director of Planning, stated there is land to the northeast and to the northwest that are larger tracts along with the acreages that are there. We are already spending millions of dollars in Stevens County so are trying to avoid the problems that acreages at the edge of the city have caused before. The general rule in the Comprehensive Plan is acreages are not approved and we build through developments like this in Tier One in the Comprehensive Plan that is going to be developed in the next 12 to 20 years. What we are asking for is a build through plat that can work and we can’t tell if it will work unless it is engineered and the process for engineering a subdivision is the preliminary plat process.

Mr. Hunzeker came forward for rebuttal stating that the Planning Commission did not say do a build through development they said to enter into an agreement that would make the drawings binding on this property which we have agreed to do and will do. The target seems to be shifting from street grades to drainage. We are not going to be in the way of any drainageway in fact the entire parcel, except for the drainageway and the existing home, are taken up with the Christmas tree farm. There will be adequate access to future internal streets based on what is known about the grade today. All we need to do is make sure the City gets a sewer easement and the subdivision of this property beyond these two lots. The original agreement requires us to do a preliminary plat and to grade the whole site in accordance with the preliminary plat which would ruin the tree farm and completely obliterate the reason we want to do this in the first place. We are just asking the agreement be modified in a way that preserves the City’s interest in continuity with urban growth and let us build one more house.

This matter was taken under advisement.

VACATION 10010 – VACATING A PORTION OF THE EAST-WEST ALLEY ABOUNDING LOTS 4-9, BLOCK ONE, NORTH LINCOLN, AND OF THE EAST 18 FEET OF NORTH 8TH STREET BOUNDARYED BY A STREET, WEST 34 FEET OF SOUTH 29TH STREET FROM THE NORTH LINE OF A STREET – Lynn Johnson, Director of Parks & Recreation, he explained that in 2001 there was a Master Plan developed for the Antelope Park Triangle bounded by A Street on the east, by 27th Street on the west and Capital Parkway that in 2001 there was a Master Plan developed for the Antelope Park Triangle that will be used to finish off those already under construction. The project at 40th & Washington Street will help get the most for the money. This may go for a variety of locations will help get the most for the money. This may go for a variety of

This matter was taken under advisement.

AMENDING THE LINCOLN MUNICIPAL CODE TO UPDATE CHAPTER 10.26 DUE TO CHANGES ASSOCIATED WITH STREET NAMES, ROADWAY REMOVALS, PROPOSED ARTERIAL ADDITIONS AND PROPOSED REMOVAL OF EXISTING ARTERIAL STREET STATUS – Randy Hoskins, Asst. City Engineer of Public Works & Utilities, came forward to state that the function of an arterial street will generally carry large volumes of traffic long distances. This area is only a couple blocks long and doesn’t perform as arterial streets. These streets are more like collector streets and the code does not have any category for collector streets. This came about because of snow removal and the LMC states it is illegal to park on an arterial street when the Mayor declares an emergency on arterials and bus routes. Typically a non-arterial street would be maintained later in the cycle particularly during snow events as would arterial streets, but some are bus routes which will be a priority. This will be reviewed in the Comprehensive Plan update.

This matter was taken under advisement.

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION FUND FOR THE PUBLIC WORKS & UTILITIES DEPARTMENT AND WITHIN THE CAPITOL PROJECTS FUND FOR THE PARKS & RECREATION DEPARTMENT – Fran Mejier, Public Works & Utilities Dept. Business Manager, stated this is an annual transfer ordinance which is usually a clean-up at the end of the fiscal year where appropriations are transferred from where it is not needed in one project and put it towards another project.

This matter was taken under advisement.

VACATION 10003 – VACATING THE WEST 34 FEET OF SOUTH 29TH STREET FROM THE NORTH LINE OF WASHINGTON STREET TO THE SOUTH LINE OF THE EAST-WEST ALLEY BETWEEN WASHINGTON STREET AND A STREET – Lynn Johnson, Director of Parks & Recreation, he explained that in 2001 there was a Master Plan developed for the Antelope Park Triangle bounded by A Street on the east, by 27th Street on the west and Capital Parkway that in 2001 there was a Master Plan developed for the Antelope Park Triangle that will be used to finish off those already under construction. The project at 40th & Pine Lake Road had three sources of funding, two of which was repayment from BryanLGH for turn lanes at this location. The project at 48th and O Street had some excess funds which will be used for street construction. Some of that money was from the State of Nebraska.

This matter was taken under advisement.

Mr. Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward on behalf of B & J Partnership. This is the last piece of the building of so called “Big Red” Hotel at 8th and R Street along with the redevelopment of the Tool House. This has been unanimously approved by the Planning Commission.

This matter was taken under advisement.
Marvin Krout, Director of Planning, commented that it was determined the diagonal parking for CVS on the Dial House property is needed, therefore, it will not be necessary to move the historic Dial House in order to preserve it.

Chrsitie Dionisopoulos, President of the Lincoln Parks Foundation Board, owner of the property adjacent to this vacation request. The Foundation Board is in full support of this vacation right-of-way.

Clint Thomas, Urban Development/Real Estate Division, stated the property to be vacated is 4,230 sq. ft. with a large water main and a sanitary sewer line running through it. LES has also asked for an easement over the whole area so the entire area would be encompassed with easements which would ordinarily make them unbuildable. His opinion is that with the easements and having to put in a curb and gutter it would offset any value that the five foot additional area might have. He stated that when he puts the value on these properties he looks at it as what would be a fair market value for both the City and the landowner. He does not look at the Assessor’s assessment.

This matter was taken under advisement.

AMENDING SECTION 5.04.130 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE TIMES DURING WHICH THE SALE AND DISPENSING OF ALCOHOLIC LIQUOR IS PROHIBITED, REQUIRING AN INTERNAL REVIEW AND PROVIDING FOR AN EFFECTIVE DATE OF 6:00 A.M. ON SEPTEMBER 10, 2010 - Scott Hatfield, Owner of Duffy's and Parish Building at 14th & O Street, came forward in favor and to state he feels the time change would have a positive impact on the City. This could have a positive effect on the revenue, vital nightlife in the City. In many cases the night time vitality is what fills buildings and supports neighborhoods in the day, that connection is real. People go to Omaha to the bars because they are open until 2:00 a.m. and more shows will book their acts in Omaha than in Lincoln for that reason. So, 140 N 8th Street, Doc's Public House is supportive of the time change. He believes the time people will be leaving the establishments will be more spread out up until 2:00 a.m. and it could cut back on the after hour parties. He believes people will go out of town where they can stay later if the time is not changed in Lincoln.

Lee Tasey, 1340 Lincoln Mall, P-503, came forward in favor. It could be a plus for those who work the 2nd shift as they will have time to stop at the bars after work and he feels the entertainment venue is more apt to go to cities where they stay open later.

Brian Moran, owner-manager of Tavern on the Square came forward in favor. He stated this would be a privilege and suggested the bars would receive a violation they should be made to close at 1:00 a.m. again. This suggestion may need to be changed at the State level.

Cindy Wilber, 917 Harding Dr., owner of two liquor establishments, one downtown and one neighborhood bar, came forward in favor. He has noted more people who get off work late at night come out more toward 11:00 at night so 2:00 a.m. may be an advantage.

Brian Giles, Manager of Jimmy Johns located at 101 N 14th St., 2nd & Superior, and 48th & Vine Street, stated he does not serve alcohol at his store, but serves sandwiches and chips. He stated his business is open until 2:00 a.m. and 30% of his business is done between 1:00 a.m. and 2:00 a.m. He is in support of this ordinance.

Andrea Tarnick, 457 Fletcher Ave., came forward to speak for the Roller Derby team in Lincoln that she skates for who are in favor of the 2:00 a.m. closing because it will provide a lifestyle and atmosphere after the games which will help bring in competitive teams nationwide to Lincoln.

Eddie Brown, 3701 G Street, Ste. B3, came forward in favor of the time change as the lead singer of a band and feels another hour of dancing would be beneficial to the City of Lincoln.

Paul Tuttle, 1320 P Street, owner of Bison Witches Bar & Deli, came forward in favor. He feels people will leave at various times not all waiting until closing.

Tad Frazier, Board member and legal counsel of Updowntowners, came forward in a neutral position. He expressed the concern of a proposed amendment that requires mandatory server training and licensing because their organization depends on volunteers to help with their events and feel this might cut down on the number who volunteer. Volunteers are moved around to help where needed in the event so this would not be up so this could be a problem for the staff. Most of the food served at these events are handled by outside food vendors. The Health Department does have a temporary food handler permit that gives overall training to the volunteers.

Troy Falk, 140 N 8th Street, Doc's Public House, came forward in favor of the time change. He does not look at the Assessor's assessment.

Clint Thomas, Urban Development/Real Estate Division, stated the property to be vacated is 4,230 sq. ft. with a large water main and a sanitary sewer line running through it. LES has also asked for an easement over the whole area so the entire area would be encompassed with easements which would ordinarily make them unbuildable. His opinion is that with the easements and having to put in a curb and gutter it would offset any value that the five foot additional area might have. He stated that when he puts the value on these properties he looks at it as what would be a fair market value for both the City and the landowner. He does not look at the Assessor's assessment.

This matter was taken under advisement.
of the time change.

Stephanie Maser, 2543 B Street, bar owner in South Lincoln, came forward in opposition. She stated this would be an additional expense for her business.

Brian Kitten, Co-owner of Brewsky’s, came forward to state this is the choice of the business. He owns two Brewsky’s in Omaha and they still close at 1:00 a.m. He has four Brewsky’s in Lincoln and he envisions possibly two of them staying open until 2:00 a.m. probably on a Friday and Saturday if the ordinance is passed and two will continue to close at 1:00 a.m.

Leah Powell Moore, 6424 Benton, came forward as owner of the Bourbon Theater in favor of the time change. They are more interested in music and art and feel the time change would be beneficial.

Richard Halvorsen, 6311 Inverness Rd., came forward to state his opinion that one extra hour of drinking will not define this town whether it passes or not. He would like this ordinance to have a sunset provision.

Darrell Fisher, Lincoln Council on Alcohol & Drugs, 914 L Street, came forward in opposition. He related statistics from National data that suggests that late night hours lead to increased consumption and related harm and is not worth the risk: 1,700 deaths, 600,000 injuries, 7,000 assaults, 100,000 sexual abuse, and 2,000,000 students admit drinking and driving.

Danny Walker, 427 “B” Street, came forward to state that people are not going to Omaha to drink an extra hour, they are going for other reasons.

Patrick McCabe, 640 S. 17th Street, came forward in favor.

Tonya Peters, Legal Advisor for Police Department, stated the nonprofit organization volunteers temporary food handling permits are gotten through the Health Department and could be considered by the ILC to incorporate this in with their server training program. She suggested the Council contact the Nebraska Legislature to change the law in order to give more local control or more criteria for a 2:00 a.m. closing.

This matter was taken under advisement.
DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S STORM SEWER AND DRAINAGE SYSTEM FOR THE NOVEMBER 2, 2010, CITY GENERAL ELECTION - Don Herz, Director of Finance, answered the two options of what can be done with surplus fund proceeds would be for projects that are listed or used to pay debt service.

Ben Higgins, Public Works & Utilities, stated in the bond language some of the projects are similar so as new projects come in the surplus funds will be used for these. There are always additional projects to be done for flood control and urban drainage structure that is why the bonds are issued every two years. A lot of the next projects are listed in the two year CIP. This matter was taken under advisement.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IX, RELATING TO FINANCE AND TAXATION, BY ADDING A NEW SECTION 26.A TO ALLOW THE CITY TO ESTABLISH AND ADOPT A BIENNIAL BUDGET - Mayor Chris Beutler, came forward to promote a biennial budget process. He feels this will free up a significant amount of time to focus on other important issues and put more time and resources into long term planning. They will be able to explore the effectiveness of reorganization plans more fully outside of the confines of a budget process. This would afford more certainty for budgeting personnel costs. There would be more time to work on and complete contract negotiations with unions before the start of the biennal budget. The fundamental process of the budget would remain the same. If you want to make changes there is leeway to make decisions as you pass the implementing ordinance to deal with time frames or details.

Steve Hubka, City Budget Officer, came forward to urge support of this resolution. The research done indicates to do a two year budget might take about 15% more time, but then again that is the year the budget is finalized and the next year that would be a tremendous saving of time in doing that. The odd year implementation comes after an election so upon taking office the first several months would be spent working on the budget. Maybe the even year offers more advantages and should be strongly considered. He stated that with the uncertainty of the economy there needs to be some provisions in the ordinance for reducing budgets maybe even adding budgets if revenues were outstanding, but flexibility and being able to adjust needs to be in the ordinance.

Mayor Beutler stated there is a reference in the ordinance Article 9, Section 27 of the current Charter under that section there are three circumstances the budget can be changed. 1. Anytime during the biennium the Mayor determines that the available revenue of any specific fund shall be less than the total appropriations authorized for that fund may reduce the appropriation balances between appropriations of the same department or agency and must inform the Council of such transfers within seven days. Appropriation transfers between departments can be authorized only by Council Resolution. 3. In an emergency threatening serious loss of life, health or property in the community the Council can make new appropriations that are not already in the biennal budget. In addition to those circumstances and separately State law provides 13.5.111 that changes are allowed where there are circumstances that could not be anticipated at the time the biennal budget was adopted. Secondly if the budget violates certain provisions of the State Budget Act or third the biennal budget includes mathematical or accounting errors.

Don Stading, 1821 Sussex Place, came forward as the Chair of the City of Lincoln Charter Revision Commission to state the Commission members voted unanimously to forward and recommend the Charter Amendment to the City Council for approval and recommend it be placed on the ballot at the next General Election. This matter was taken under advisement.

APPROVING CONTRACT AGREEMENTS BETWEEN THE CITY AND ANIXTER, INC. AND COMMUNICATION SERVICES, INC. FOR THE ANNUAL REQUIREMENTS FOR FIBER OPTIC MATERIAL, PURSUANT TO BID NO. 10-095, FOR TWO-YEAR TERMS WITH OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR TERMS;

APPROVING CONTRACT AGREEMENTS BETWEEN THE CITY AND BADGER METER, INC. FOR THE ANNUAL SUPPLY FOR COLD WATER METERS, 5/8" TO 2" WITH AUTOMATED METER READING ERT MODULES, PURSUANT TO BID NO. 10-128, FOR A TWO-YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - Vince Mejer, City Purchasing Agent, came forward to answer questions. This matter was taken under advisement.
APPROVING THE 2010-11 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - Ben Higgins, Public Works & Utilities, stated this is an annual plan with the NRD to coordinate projects and provide guidelines of cost sharing for separate projects.

Danny Walker, 427 "E" Street, came forward with concerns of the Lower Platte South Natural Resource District and building in the flood plains. This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN CITY EMPLOYEES ASSOCIATION FOR A TWO YEAR TERM EFFECTIVE AUGUST 19, 2010 - Mark Koller, Personnel Director, stated this contract is for a two year term with a 1.25% increase in wages effective August 2010 and 1.5% increase effective August 2011. There was a shift differential increase from 45 cents to 70 cents and there are some longevity pay changes to begin in 2011. The health care deductible went from $300 & $600 to $455 & $750. Out of pocket went from $1,000 & $1,500 to $1,250 & $2,750. Uniforms and equipment were capped at $225 for boots. Tuition reimbursement went from $1,000 to $1,250. The pension for new employees hired after September 1, 2010 will be 9% City and 7% employee. There is offered a voluntary compensation plan which the City can match not to exceed 1.5%. There is a voluntary elective schedule which allows employees eligible to retire to reduce their hours from 40 hours to 36 hours or 32 hours per week. They would be granted these hours and continue to earn vacation and sick leave as if they were full time.

Don Taute, Asst. City Attorney, answered that holiday pay for shift workers is two times what their normal rate of pay is plus regular eight hour pay.

Rick Hoppe, Chief of Staff, stated that merit pay over a full year with the normal increase averages about 1.2% because there are people topped out and anniversary dates occurring throughout the year. This matter was taken under advisement.

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES FOR FISCAL YEAR 2010-2011; APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES FOR FISCAL YEAR 2010-2011 - Fran Mejer, Business Manager of Public Works & Utilities, came forward stating these resolutions establish a 5% rate increase for both water and wastewater. These increases are necessary to support operational and maintenance costs and debt service payments in the CIP Program due to the substantial increase of energy and fuel costs over the past few years. The Water System incurred an additional $450,000 in electrical cost due to rate increases from LES and OPPD. The Wastewater System incurred an increase of $165,000 in electrical costs. The debt service is $9,500,000 for water and $7,500,000 for wastewater in the Fiscal Year 2010-2011 budget. The CIP Program when compared to previous years is very minimal. The revenue is down this year due to the very wet weather. A rate study is being performed for the Water and Wastewater Systems and should be done in a couple of months.

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE FOR AMBULANCE SERVICE - Chief Niles Ford, Fire Chief, came forward to state the ambulance service has been effective in getting out of debt. A five year plan using the methodology of the private sector was used which included increases in rates to cover the cost of living expenses and the plan also tells when the next rate increase should be. In order to continue this positive trend and to make the ambulance service effective and efficient this fee schedule is requested for approval.

Sherrie Meints, EMS Business Manager of Lincoln Fire Dept., came forward to provide an explanation of charges of which many are regulated by Medicare. This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK’S LETTER AND MAYOR’S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON AUGUST 9, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN PLACED ON FILE IN THE CITY CLERK’S OFFICE:
Adminstrative Amendment No. 10039 to Special Permit No. 08012, Agemark Domiciliary Care Facility, Country House II, approved by the Planning Director on August 11, 2010, requested by Olson Associates, to revise the site layout to show a reconfigured parking lot layout and building plan for up to 38 residents. Note that the 57 residents allowed by density bonus as originally approved per Special Permit No. 08012 are only permitted if the facility complies with the barrier-free standards of the City of Lincoln Design
Standards. Property is generally located near S. 84th Street and Horseshoe Drive.

Administrative Amendment No. 10042 to Special Permit No. 310D, The Ambassador Lincoln, approved by the Planning Director on August 11, 2010, requested by Olsson Associates, to revise the site plan to reflect the existing layout but with three small additions and to add Note #6. Property is located at 4405 Normal Boulevard.

Administrative Amendment No. 10043 to Special Permit No. 06061A, Hidden Valley Community Unit Plan, approved by the Planning Director on August 11, 2010, requested by Civil Design Group, Inc., to adjust the south front yard setback on Lot 9, Block 2 from 25 feet to 20 feet abutting the future right-of-way, on property generally located at S. 112th Street and Pine Lake Road.

Administrative Amendment No. 10044 to Special Permit No. 2022C, Pine Lake Heights South Planned Service Commercial Center, approved by the Planning Director on August 16, 2010, requested by Olsson Associates, to increase the square footage on Lot 2, Block 2 from 14,000 square feet to 18,000 square feet, to allow a cross parking easement over Lot 2 and Lot 3 and to combine Lot 5 and Lot 6, Block 2, as well as revising the use and layout of Lot 5 from a standalone drive thru facility to part of the auto dealership. The general notes and tables have been updated to reflect these changes as well as to include restrictions on lighting and outdoor speakers consistent with the other auto dealerships in this area. Property is generally located at S. 27th Street and Grainger Parkway.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 13, 2010 AT 3:00 P.M. FOR APPLICATION OF STRONG ISLAND ENTERPRISES, INC. DBA BRICKTOP TO ADD A BEER GARDEN TO THE SOUTH APPROXIMATELY 20' X 16' LOCATED AT 1427 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85963 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 13, 2010 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 Strong Island Enterprises Inc. dba Bricktop for a beer garden to the south approximately 20' x 16' located at 1427 O 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 Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

LIQUOR RESOLUTIONS

APPLICATION OF NEBRASKA FRESH-MEX LLC DBA QDOBA MEXICAN GRILL FOR A CLASS I LIQUOR LICENSE AT 211 NORTH 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85964 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Nebraska Fresh-Mex LLC dba Qdoba Mexican Grill for a Class "I" liquor license at 211 North 12th Street, Lincoln, Nebraska, for the license period ending April 30, 2011, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. The premise must comply in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

MANAGER APPLICATION OF JAMES A. PAGE FOR NEBRASKA FRESH-MEX, LLC DBA QDOBA MEXICAN GRILL AT 211 NORTH 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

WHEREAS, Nebraska Fresh-Mex, LLC dba Qdoba Mexican Grill located at 211 North 12th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that James A. Page be named manager;
WHEREAS, James A. Page appears to be a fit and proper person to manage said business;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that James A. Page be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)
APPROVING THE 98TH AND HOLDREGE CONDITIONAL ZONING AGREEMENT BETWEEN M. KENT AND MARSHA PRIOR AND THE CITY OF LINCOLN REGARDING A CHANGE OF ZONE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL TO ALLOW THREE SINGLE FAMILY DWELLING LOTS, ONE OUTLOT, AND A BUILD THROUGH PLAN FOR FUTURE URBANIZATION ON PROPERTY GENERALLY LOCATED AT 98TH STREET AND HOLDREGE STREET.

CHANGE OF ZONE 10007 - APPLICATION OF KENT PRIOR FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 98TH STREET AND HOLDREGE STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

VACATION 09006 – VACATING NORTH 14TH STREET FROM THE SOUTH RIGHT-OF-WAY LINE OF NEW HAMPSHIRE STREET TO THE NORTH LINE OF THE RAILROAD RIGHT-OF-WAY - CLERK read an ordinance, introduced by Jayne Snyder, vacating a portion of North 14th Street from the south right-of-way line of New Hampshire Street to the north right-of-way line of the Burlington Northern Railroad, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

VACATION 10010 – VACATING A PORTION OF THE EAST-WEST ALLEY ABUTTING LOTS 4-9, BLOCK 30, ORIGINAL LINCOLN, AND THE EAST 18 FEET OF NORTH 8TH STREET ABUTTING SAID ALLEY, GENERALLY LOCATED BETWEEN Q AND R STREETS AND 8TH AND 9TH STREETS - CLERK read an ordinance, introduced by Jayne Snyder, vacating the east-west alley between Q and R Streets and 8th and 9th Streets, and a portion of the abutting 8th Street right-of-way and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE VILLAGE OF FIRTH FOR THE LEASE OF SPACE BY AGING PARTNERS FOR ITS SENIOR CENTER PROGRAM AT 311 NEMAHA STREET, FIRTH, NEBRASKA FROM SEPTEMBER 1, 2010 TO AUGUST 31, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, accepting and approving a Lease Agreement between the City of Lincoln and the Village of Firth for the lease of office space by the Aging Partners for its Senior Center program at 311 Nemaha Street, Firth, NE 68358 for a term beginning September 1, 2010 through August 31, 2011, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE AMERICAN LEGION POST #280 FOR THE LEASE OF SPACE BY AGING PARTNERS FOR ITS SENIOR CENTER PROGRAM AT 970 MONROE, BENNET, NEBRASKA FROM SEPTEMBER 1, 2010 TO AUGUST 31, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, accepting and approving a Lease Agreement between the City of Lincoln and the American Legion Post #280 for the lease of office space by the Aging Partners for its Senior Center program at 970 Monroe, Benne...
between the City of Lincoln and the Bennet American Legion Post #280 for the lease of space by the Aging Partners for its Senior Center program at 970 Monroe, Bennet, NE 68317 for a term beginning September 1, 2010 through August 31, 2011, the second time.

AMENDING THE LINCOLN MUNICIPAL CODE TO UPDATE CHAPTER 10.26 DUE TO CHANGES ASSOCIATED WITH STREET NAMES, ROADWAY REMOVALS, PROPOSED ARTERIAL ADDITIONS AND PROPOSED REMOVAL OF EXISTING ARTERIAL STREET STATUS - CLERK read an ordinance, introduced by Jayne Snyder, amending Chapter 10.26 of the Lincoln Municipal Code: 10.26 of to changes associated with street names, roadway removals, proposed arterial additions and proposed removal of existing arterial street status, the second time.

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION FUND FOR THE PUBLIC WORKS & UTILITIES DEPARTMENT AND WITHIN THE CAPITOL PROJECTS FUND FOR THE PARKS & RECREATION DEPARTMENT - CLERK read an ordinance, introduced by Jayne Snyder, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Street Construction Fund for the Public Works & Utilities Department and within the Capitol Projects Fund for the Parks & Recreation Department, the second time.

VACATION 10003 - VACATING THE WEST 34 FEET OF SOUTH 29TH STREET FROM THE NORTH LINE OF WASHINGTON STREET TO THE SOUTH LINE OF THE EAST-WEST ALLEY BETWEEN WASHINGTON STREET AND A STREET - CLERK read an ordinance, introduced by Jayne Snyder, vacating the west 34 feet of South 29th Street right-of-way from the north right-of-way line of Washington Street to the south right-of-way line of the east-west alley between Washington Street and A Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AMENDING SECTION 5.04.130 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE TIMES DURING WHICH THE SALE AND DISPENSING OF ALCOHOLIC LIQUOR IS PROHIBITED - REQUIRING AN INTERNAL REVIEW AND PROVIDING FOR AN EFFECTIVE DATE OF 6:00 A.M. ON SEPTEMBER 10, 2010 AMENDING SECTION 5.41.130 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE TIMES DURING WHICH THE SALE AND DISPENSING OF ALCOHOLIC LIQUOR IS PROHIBITED, REQUIRING AN INTERNAL REVIEW AND PROVIDING FOR AN EFFECTIVE DATE OF 6:00 A.M. ON SEPTEMBER 10, 2010 - CLERK read an ordinance, introduced by Adam Hornung, amending Section 5.04.130 of the Lincoln Municipal Code to change the times during which the sale and dispensing of alcoholic liquor is prohibited and requiring an internal review; repealing Section 5.04.130 of the Lincoln Municipal Code as hitherto existing; and providing for an effective date of 6:00 a.m. on September 10, 2010, the second time.

PUBLIC HEARING - RESOLUTIONS

DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR CONSTRUCTION OF IMPROVEMENTS TO THE CITY’S STORM SEWER AND DRAINAGE SYSTEM AT THE NOVEMBER 2, 2010, CITY GENERAL ELECTION - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

WHEREAS, in order to fund the necessary improvements to and extension of the City of Lincoln’s, Nebraska (the City), existing storm water drainage and flood management system, and measures to achieve federal and state water quality standards, it is necessary to issue general obligation bonds and to levy a tax for the payment thereof; and

WHEREAS, it is in the best interests of the City, to present the question of the issuance of such bonds to the electors of the City at the statewide election to be held by the City on November 2, 2010.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the Council) of the City as follows:

Section 1. The Council hereby finds and determines that:

a. It is necessary, desirable, advisable and in the best interests of the City to design, engineer, acquire, construct and/or furnish improvements to and extensions of its existing water and storm water drainage and flood management system, and measures to achieve federal and state water quality standards, which improvements, extensions and measures (collectively, the Improvements) shall include, but shall not necessarily be limited to, some or all of the improvements, extensions and measures generally described in Attachment I appended hereto.

b. The estimated cost to the City of completing the Improvements will be not less than $7,900,000, and in order to finance the Improvements, it is necessary for the City to issue general obligation bonds in a principal amount not to exceed the estimated cost or a portion thereof, to be levied and collected annually a tax in addition to all other taxes upon the taxable property in the City sufficient to pay the principal and interest accruing on such general obligation bonds and the levying of a tax to pay the same to the duly qualified electors of the City of Lincoln for the purpose of paying the tax levied to provide funds for the issues of such general obligation bonds and the payment of the tax levied to provide funds for the issues of such general obligation bonds and the paying of the same to the duly qualified electors of the City of Lincoln.
the City at the statewide election to be held on Tuesday, November 2, 2010.

Section 2. The following proposition shall be submitted to the qualified electors of the City at the statewide election to be held on Tuesday, November 2, 2010.

**(FORM OF BALLOT)**

**STORMWATER IMPROVEMENT BOND ISSUE
STATE OF NEBRASKA
CITY OF LINCOLN
OFFICIAL BALLOT
STATEWIDE ELECTION - TUESDAY, November 2, 2010**

**GENERAL OBLIGATION BONDS**

"SHALL THE CITY OF LINCOLN, NEBRASKA ISSUE ITS GENERAL OBLIGATION BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED $8,200,000 FOR THE PURPOSE OF PAYING COSTS INCIDENT TO ENGINEERING, ACQUIRING, CONSTRUCTION AND/OR FURNISHING IMPROVEMENTS TO AND EXTENSIONS OF THE CITY’S STORMWATER DRAINAGE AND FLOOD MANAGEMENT SYSTEM AND MEASURES TO ACHIEVE STATE AND FEDERAL WATER QUALITY STANDARDS; SUCH BONDS TO BE DATED AT THE TIME OF THEIR ISSUANCE AND TO BECOME DUE AND PAYABLE ON SUCH DATES, BEAR INTEREST AT SUCH RATES, AND HAVE SUCH OTHER TERMS AS MAY BE FIXED BY THE CITY AT THE TIME OF ISSUANCE; AND

"SHALL THE CITY CAUSE TO BE LEVIED AND COLLECTED ANNUALLY A TAX IN ADDITION TO ALL OTHER TAXES UPON THE TAXABLE PROPERTY IN THE CITY SUFFICIENT IN RATE AND AMOUNT TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THE SAME BECOME DUE AND PAYABLE?"

VOTE FOR or AGAINST

- FOR said General Obligation Bonds and a Tax Levy
- AGAINST said General Obligation Bonds and a Tax Levy

Voters desiring to vote in favor of the proposition shall mark in the square opposite the words FOR said General Obligation Bonds and a Tax Levy". Voters desiring to vote against the proposition shall mark in the square opposite the words AGAINST such General Obligation Bonds and a Tax Levy.

Section 3. The Clerk shall cause a notice of such election to be given as provided by Article III, Section 1 of the Charter of the City; and the Mayor shall be and hereby is directed to proclaim and give notice that at the statewide election to be held on Tuesday, November 2, 2010, there will be submitted to the qualified electors of the City, for adoption or rejection, the bond authorization question set forth in Section 2 hereof; and the Clerk is further directed to publish said proclamation as provided by law.

Section 4. Such statewide election will be held in each election district within the City and at the polling places designated by the Election Commissioner of Lancaster County, Nebraska (the Election Commissioner).

Section 5. The Clerk is further directed to notify the Election Commissioner for such statewide election of the bond authorization question set forth in Section 2 hereof, and to procure the necessary ballots and make all other necessary arrangements for the same.

Section 6. The polling places for such statewide election shall be open from 8:00 a.m. to 8:00 p.m. on Tuesday, November 2, 2010, and a copy of the bond authorization question to be submitted shall be posted at each place of voting during the hours said polls are open.

Section 7. Such statewide election shall be conducted in accordance with the laws of the State applicable to such elections for cities of the primary class, and the ballots shall be counted, the returns made, and the results canvassed as provided for by law, and all such steps shall be taken as are provided by law in the ascertainment of the results of said election.

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

**DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IX, RELATING TO FINANCE AND TAXATION, BY ADDING A NEW SECTION 26.A TO ALLOW THE CITY TO ESTABLISH AND ADOPT A BIENNIAL BUDGET - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:**

WHEREAS, under the provisions of Article XI, Section 4, of the Constitution of the State of Nebraska and the laws of the State of Nebraska, a proposed Charter amendment may be submitted to a vote of the qualified electors in conjunction with a statewide general election, pursuant to a proposal by the City Council of the City of Lincoln, Nebraska:

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

1. That at the general election to be held on Tuesday, the second day of November, 2010, there shall be submitted to a vote of the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the following proposed amendment to the Charter of the City of Lincoln:

**CHARTER AMENDMENT**

Amend Article IX of the Charter to add a new Article IX, Section 26a to allow the City to establish and adopt a biennial budget.

**ARTICLE IX
FINANCE AND TAXATION**

Sec. 26a. Biennial (Two-Year) Budget. The City may by ordinance establish a process for the adoption of a balanced
biennial budget for biennial periods, which biennial periods shall consist of two fiscal and budget years commencing in odd-numbered years or even-numbered years, notwithstanding any existing provisions of this charter referencing an annual budget. The biennial period shall begin on the first day of September and shall end on the last day of August unless the council by ordinance establishes a different biennial period. Each biennial budget shall be balanced.

The ordinance shall include, but not necessarily be limited to, the procedure and calendar for the formulation of the biennial budget, its contents, the procedure and calendar for the formulation of the biennial capital improvement program budget, the procedure for the presentation to the council including the time and place at which the council will hold a public hearing on the proposed biennial budget, the procedure for the transfer and reduction of funds and authorization of emergency appropriations, and the manner in which the property tax rate will be determined for the second year of the biennial period.

The mayor shall have the power and shall be required to submit to the council for its consideration a recommended biennial operating and capital improvement program budget. The mayor shall submit the recommended biennial budget no later than forty days prior to the beginning of the biennial period. Amendments provided by the mayor to the recommended biennial budget no later than forty days prior to the beginning of the biennial period shall be considered part of the mayor's recommended budget as if they were part of the original submission to the city council. The council shall have full power at any time prior to the adoption of the biennial budget to revise revenue estimates and to increase or decrease appropriations of departments or divisions or capital improvement program projects. No later than five days prior to the beginning of the biennial period the council shall, by a vote of four of its members, adopt the biennial budget by resolution and thereafter authorize appropriations for the ensuing biennial period. Any legislation pertaining to the biennial budget shall be subject to the power provided in Article IV, Section 13 of this charter. Should the council fail to adopt the biennial budget on or before the prescribed adoption date, the biennial budget proposed and submitted by the mayor shall be deemed to have been adopted by the council and shall become the basis for expenditure during the ensuing biennial budget period and for the property tax rates for the ensuing biennial period.

After a biennial budget is adopted, neither the mayor nor the council can adopt a new annual budget in the second year of the biennial period. The power to amend or revise the biennial budget shall be as provided in Article IX, Section 27 of this charter. Said amendment shall be submitted to the qualified electors as a Charter amendment of Article IX on the ballot and shall be printed on said ballot in the following form:

"CHARTER AMENDMENT -- AMEND ARTICLE IX OF THE CHARTER OF THE CITY OF LINCOLN BY ADDING A NEW SECTION 26a TO ALLOW THE CITY TO ESTABLISH AND ADOPT A BIENNIAL BUDGET.  SHALL ARTICLE IX OF THE CHARTER OF THE CITY OF LINCOLN BE AMENDED BY ADDING A NEW SECTION 26a TO ALLOW THE CITY TO ESTABLISH AND ADOPT A BIENNIAL BUDGET? VOTE FOR or AGAINST

☐ I vote FOR the proposed amendment.
☐ I vote AGAINST the proposed amendment."

2. That the City Clerk of the City of Lincoln is hereby directed to publish with his or her official certification, three times, and a week apart, the full text of the proposed amendment to be voted upon, as required by law, all as required by the Constitution of the State of Nebraska.

3. That the Mayor be and hereby is directed to proclaim and give notice that at the general election to be held in the City of Lincoln, Nebraska, on Tuesday, the second day of November, 2010, there will be submitted to the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the proposition set forth in Section 1 hereof, and the City Clerk is directed to publish the said proclamation as provided by law.
4. That the City Clerk of the City of Lincoln is further directed to notify the Election Commissioner of Lancaster County of the submission of this proposition, and to procure the necessary ballots and make all other necessary arrangements for the same.

Introduced by Jayne Snyder

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

APPROVING CONTRACT AGREEMENTS BETWEEN THE CITY AND ANIXTER, INC. AND COMMUNICATION SERVICES, INC. FOR THE ANNUAL REQUIREMENTS FOR FIBER OPTIC MATERIAL, PURSUANT TO BID NO. 10-128, FOR A TWO-YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85968

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

That the two attached multi-year Contracts between the City of Lincoln and Anixter, Inc. and Communication Services, Inc. for the annual requirements for Fiber Optic Material, pursuant to Bid No. 10-128, for two-year terms with options to renew for two additional one-year terms, upon the terms as set forth in said contracts, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jayne Snyder

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

APPROVING CONTRACT AGREEMENTS BETWEEN THE CITY AND BADGER METER, INC. FOR THE ANNUAL SUPPLY FOR COLD WATER METERS, 5/8" TO 2" WITH AUTOMATED METER READING ERT MODULES, PURSUANT TO BID NO. 10-095, FOR TWO-YEAR TERMS WITH OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR TERMS - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85969

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

That the attached contract between the City of Lincoln and Badger Meter, Inc., in accordance with Bid No. 10-128, for the Annual Supply for Cold Water Meters 5/8" to 2" with Automated Meter Reading ERT Modules for a two-year period with the option to renew for one additional two-year period, upon the terms as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jayne Snyder

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

APPROVING THE 2010-11 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85970

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

That the attached Fiscal Year 2010 - 2011 Work Plan for the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Said Fiscal Year 2010 - 2011 Work Plan establishes a framework and division of responsibilities for addressing stormwater quantity and quality in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2010 - 2011 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Resolution and Fiscal Year 2010 - 2011 Work Plan for the Interlocal Agreement on Stormwater Management to Ben Higgins, Public Works and Utilities Department, for transmittal to the Lower Platte South Natural Resources District.

Introduced by Jayne Snyder

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

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE LINCOLN CITY EMPLOYEES ASSOCIATION FOR A TWO YEAR TERM EFFECTIVE AUGUST 12, 2010 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85971

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

That the attached labor contract between the City of Lincoln and the Lincoln City Employees Association (LCEA), to be effective August 19, 2010, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jayne Snyder

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

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES FOR FISCAL YEAR 2010-2011 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85972

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 resources district and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2010 - 2011 Work Plan.
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 2010, 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.

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

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

282.0 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:

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

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

The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE C

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

The following fees would apply:

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

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

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

134.0 cents per 100 cubic feet for 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:

<table>
<thead>
<tr>
<th>WATER METER SIZE</th>
<th>SERVICE CHARGE FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 inch</td>
<td>$3.26</td>
</tr>
<tr>
<td>3/4 inch</td>
<td>3.26</td>
</tr>
<tr>
<td>1 inch</td>
<td>3.26</td>
</tr>
<tr>
<td>1-1/2 inch</td>
<td>6.51</td>
</tr>
<tr>
<td>2 inch</td>
<td>13.01</td>
</tr>
<tr>
<td>3 inch</td>
<td>25.27</td>
</tr>
<tr>
<td>4 inch</td>
<td>52.04</td>
</tr>
<tr>
<td>6 inch</td>
<td>117.03</td>
</tr>
<tr>
<td>8 inch</td>
<td>208.10</td>
</tr>
<tr>
<td>10 inch</td>
<td>325.13</td>
</tr>
</tbody>
</table>

The Service Charge for a multiple dwelling unit or mobile home shall be at least $2.00 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 $3.26 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-85489, adopted by the City Council on August 24, 2009, is hereby superseded.

Introduced by Jayne Snyder
APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES FOR FISCAL YEAR 2010-2011 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption: A-85973

WHEREAS, the City Council of Lincoln, Nebraska, is authorized under 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.

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 2010 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 177.0 cents.

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

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

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

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

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

**SERVICE CHARGE**

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

<table>
<thead>
<tr>
<th>WATER METER SIZE</th>
<th>SERVICE CHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 inch</td>
<td>$1.43</td>
</tr>
<tr>
<td>3/4 inch</td>
<td>1.43</td>
</tr>
<tr>
<td>1 inch</td>
<td>1.43</td>
</tr>
<tr>
<td>1-1/2 inch</td>
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<tr>
<td>2 inch</td>
<td>5.72</td>
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<tr>
<td>3 inch</td>
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<tr>
<td>4 inch</td>
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<td>6 inch</td>
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<tr>
<td>8 inch</td>
<td>91.56</td>
</tr>
<tr>
<td>10 inch</td>
<td>143.07</td>
</tr>
</tbody>
</table>

The minimum service charge for a multiple dwelling unit or a mobile home shall be at least $0.85 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 $1.43 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-85488, adopted by the City Council on August 24, 2009, is hereby superseded.

Introducted by Jayne Snyder

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

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE FOR AMBULANCE SERVICE - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:
WHEREAS, in accordance with Title 7 of the Lincoln Municipal Code, the City Council has authority to approve a schedule of maximum fees which the City may charge for ambulance service rendered by the City of Lincoln; and

WHEREAS, Lincoln Fire and Rescue has proposed such a schedule of maximum fees for comment and review by EMS, Inc., the City's emergency medical services oversight agency; and

WHEREAS, EMS, Inc. has concluded the proposed maximum fees are reasonable; and

WHEREAS, the proposed rate schedule is before the City Council for its consideration and approval; and

WHEREAS, the City Council finds that the proposed rate schedule, based on the reasonable costs of providing ambulance service, is reasonable and necessary to provide emergency medical services.

NOW, THEREFORE, BE IT RESOLVED by the City Council, the proposed rate schedule attached as Attachment "A", and made a part hereof by reference, is hereby approved and shall take effect September 1, 2010.

Introduced by Jayne Snyder
Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder; NAVS: Camp; ABSENT: Spatz.

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

SECTION 8.08.060 TO INCREASE THE PERMIT FEES FOR A BODY ART ESTABLISHMENT; AMENDING SECTION 8.08.150 TO INCREASE THE INITIAL PERMIT FEE FOR A BODY ART PRACTITIONER; AMENDING SECTION 8.12.035 TO INCREASE THE PERMIT FEE FOR A SMALL FAMILY CHILD CARE HOME; AMENDING SECTION 8.14.037 TO INCREASE THE PERMIT FEES ASSOCIATED WITH CHILD CARE PROGRAMS; AMENDING SECTION 8.20.150 TO INCREASE THE PERMIT FEES ASSOCIATED WITH FOOD ESTABLISHMENTS; AMENDING SECTION 8.24.150 TO INCREASE THE PERMIT FEE FOR A OPERATING SPA FACILITIES; AMENDING SECTION 8.38.090 TO INCREASE THE PERMIT FEE FOR THE OPERATION OF A CLASS A OR CLASS B SWIMMING POOL; AMENDING SECTION 8.40.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH THE OPERATION OF SPA FACILITIES; AND AMENDING SECTION 8.44.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH THE CONSTRUCTION AND REPAIR OF WATER WELLS AND TO PROVIDE THAT SUCH PERMITS SHALL BE ANNUAL RATHER THAN BIENNIAL. - 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 the permit fee for open burning; amending Section 8.08.060 to increase the permit fees for a body art establishment; amending Section 8.08.150 to increase the initial permit fee for a body art practitioner; amending Section 8.12.035 to increase the permit fee for a small family child care home; amending Section 8.14.037 to increase the permit fees associated with child care programs; amending Section 8.20.150 to increase the permit fees associated with food establishments; amending Section 8.24.150 to increase the permit fees associated with the operation of a Class A or Class B swimming pool; amending Section 8.40.070 to increase the permit fees associated with the operation of spa facilities; amending Section 8.44.070 to increase the permit fees associated with the construction and repair of water wells and to provide that such permits shall be annual rather than biennial; and repealing Sections 8.06.145, 8.08.060, 8.08.150, 8.12.035, 8.14.037, 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 SALVAGE, RECYCLING AND COMPOSTING OPERATIONS BY AMENDING SECTION 5.41.050 TO INCREASE THE ANNUAL OCCUPATION TAX LEVIED ON SALVAGE OPERATIONS OR COMMERCIAL COMPOSTING OPERATIONS - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 5.41 of the Lincoln Municipal Code relating to Salvage, Recycling and Composting Operations by amending Section 5.41.050 to increase related permit fees; amending Section 5.41.060 to increase the annual occupation tax levied on salvage operations or 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 TITLE 24 OF THE LINCOLN MUNICIPAL CODE RELATING TO PLUMBING AND SEWERS BY AMENDING SECTION 24.38.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH ON-SITE WASTEWATER TREATMENTS SYSTEMS; AND AMENDING SECTION 24.42.110 RELATING TO FEES ASSOCIATED WITH PROPERTY TRANSFERS WITH ON-SITE WASTEWATER TREATMENT SYSTEMS TO INCREASE THE FEE FOR EVALUATION AND REVIEW OF PROPERTY TRANSFER INSPECTOR REPORTS AND NECESSARY SITE VISITS BY THE HEALTH DIRECTOR. - CLERK read an ordinance, introduced by Jon Camp, amending Title 24 of the Lincoln Municipal Code relating to
to Plumbing and Sewers by amending Section 24.38.070 to increase the permit fees associated with on-site wastewater treatments systems; amending Section 24.42.110 relating to fees associated with property transfers with on-site wastewater treatment systems to increase the fee for evaluation and review of Property Transfer Inspector reports and 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.

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

VACATION 10006 - VACATING MULTIPLE STREETS AND ALLEYS FOR THE WEST HAYMARKET REDEVELOPMENT AREA, GENERALLY LOCATED AT APPROXIMATELY NORTH 3RD STREET TO NORTH 7TH STREET FROM S STREET TO U STREET, AND SOUTH 5TH STREET AND NORTH 5TH STREET FROM L STREET TO T STREET - PRIOR to reading:

CAMP Moved to amend Bill No. 10-84 to delete Section 2 (lines 12 - 18) to insert in lieu thereof a new Section 2 to read as follows:

Section 2. That the vacation of the streets and alleys described in Attachment "A" shall not become operative unless and until the City of Lincoln and BNSF enter into a Master Development Agreement and Land Exchange Agreement, BNSF closes upon the vacated right-of-way and other land to be conveyed by the City to BNSF including the grant of required easements to the City, and the City closes on the land to be conveyed by BNSF to the City in order to accommodate relocation of the existing BNSF railroad operations and construction of the West Haymarket Project improvements including but not limited to a new arena.

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

CLERK Read an ordinance, introduced by Adam Hornung, vacating multiple streets and alleys in the West Haymarket Redevelopment Area, generally located from North 3rd Street to North 7th Street from S Street to U Street and South 5th Street from L Street to T Street, needed by BNSF Railway Company (BNSF) for a future railway corridor, the third time.

HORNUNG Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19434, is recorded in Ordinance Book #26, Page
REGULAR MEETING
AUGUST 23, 2010
Page 627

VACATION 10007 - VACATING J STREET FROM APPROXIMATELY SOUTH 2ND STREET TO 100 FEET EAST OF THE NORTH RIGHT-OF-WAY LINE OF SOUTH 3RD STREET, AND VACATING SOUTH 2ND STREET FROM APPROXIMATELY THE NORTH RIGHT-OF-WAY LINE OF J STREET TO 143 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF J STREET - PRIOR to reading:

CAMP Moved to amend Bill No. 10-85 to accept the Substitute ordinance attached hereto and its revised Attachment A.

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

CLERK Read an ordinance, introduced by Adam Hornung, vacating J Street from approximately South 2nd Street to 100 feet east of the east right-of-way line of South 3rd Street and South 2nd Street from approximately the north right-of-way line of J Street to 142 feet south of the south right-of-way line of J Street, the third time.

HORNUNG Moved to pass the Substitute Ordinance as amended.

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

The ordinance, being numbered #19435, is recorded in Ordinance Book #26, Page 627.

CHANGE OF ZONE 10015 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.41.040 TO ALLOW ANY PERMITTED USE WHICH EXCEEDS THE MAXIMUM HEIGHT PERMITTED IN THE H-2 HIGHWAY BUSINESS DISTRICT TO BE ALLOWED AS A SPECIAL PERMITTED USE IN SAID DISTRICT; AMENDING SECTION 27.43.040 TO ALLOW ANY PERMITTED USE WHICH EXCEEDS THE MAXIMUM HEIGHT PERMITTED IN THE H-3 HIGHWAY COMMERCIAL DISTRICT TO BE ALLOWED AS A SPECIAL PERMITTED USE IN SAID DISTRICT; AND AMENDING SECTION 27.63.250 TO PROVIDE THAT A PERMITTED USE EXCEEDING THE MAXIMUM HEIGHT PERMITTED IN THE DISTRICT MAY BE ALLOWED AS A SPECIAL PERMITTED USE IN SAID DISTRICT BY A SPECIAL PERMIT - CLERK read an ordinance, introduced by Adam Hornung, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.41.040 to provide that any permitted use which exceeds the maximum height permitted in the H-2 Highway Business District may be allowed as a special permitted use in said district; amending Section 27.43.040 to provide that any permitted use which exceeds the maximum height permitted in the H-3 Highway Commercial District may be allowed as a special permitted use in said district; amending Section 27.63.250 to provide that any permitted use exceeding the maximum height permitted in the H-2 and H-3 zoning districts may be allowed by a special permit and repealing Sections 27.41.040, 27.43.040, and 27.63.250 of the Lincoln Municipal Code as hitherto existing, the third time.

HORNUNG Moved to pass the ordinance as read.

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

The ordinance, being numbered #19436, is recorded in Ordinance Book #26, Page 628.

RESOLUTION - ACTION ONLY

ADOPTING THE 2010/11 CITY OF LINCOLN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FY 2010/11 – 2015/16 - PRIOR to reading:

COOK Moved to amend Bill No. 10R-180S as follows:

Add "and cash (where necessary)" following "appropriations for " to paragraph #27.
Delete paragraph #28.
Delete the second item in paragraph #30 – 18002.6144 General Expense/Special Assessments (sidewalks) $163,915.
Reduce the amount in paragraph #30 for the 9th item - 18002.5659 General Expense/Oracle Financial System $129,000 to $134,282.
Amend Schedules 2, 3 and 5 to add CIP Appropriations for Parks Dept. Sherman Field Projects: $155,000 Keno Funds 106,400 Athletic Fees 160,000 Federal Dept. of Energy Block Grant 723,600 Other $1,145,000 Total

The Budget Division is directed to provide the City Clerk with a corrected copy of the bill.

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

COOK Moved to accept the Substitute Ordinance for Bill No. 10R-180.

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

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

A-85975 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 12, 2010; 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 9, 2010 notice thereof having been published in one issue of the Lincoln Journal Star in the language 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, 2010, a copy of which is hereto attached and made a part of this resolution, and 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 revenue and expenditures for the fiscal 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, revenues to fund the bond, and any unused restricted funds authority is hereby authorized to be carried forward to future budget years.

2. Pursuant to our internal service fund, the budget for the fiscal year beginning September 1, 2010 shall be increased by an additional one percent (1%) as provided by Neb. Rev. Stat. Section 13-519.

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 authority is hereby authorized to be carried forward to future budget years.

4. Pursuant to the agreement for the provision of services related to the Emergency Medical Services, Inc. a copy of which is attached hereto, labeled Schedule 6, is hereby approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Pursuant to the agreement for the provision of services related to the medical care system in Lincoln, Nebraska, the annual budget for the Emergency Medical Services, Inc. a copy of which is attached hereto, labeled Schedule 6, is hereby approved.
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 designated and appropriated General Fund cash balances in an
amount equal to the amounts received from any Telecommunication Occupation Tax
audit adjustments made in 2010-11. Such amounts shall be deposited in the
Cash Reserve Trust Fund.
16. It is determined that a surplus of $3,758,342 exists within the Special
Assessment Revolving Fund and such surplus shall be transferred to the Cash
Reserve Trust Fund.
17. There is hereby appropriated $3,758,342 from the Cash Reserve Trust Fund to
be transferred to the General Fund as of September 1, 2010.
18. There is hereby appropriated all money now credited to the Arbitrage Rebate Fund, notwithstanding any sum limitation set forth in the
budget attached hereto.
19. There is hereby appropriated KENO proceeds for mandated payments, 1% for
administrative fees.
20. 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.
21. 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:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Appropriated Total Tax As Per $100</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>$24,850,043 $27,611,159 0.17386</td>
</tr>
<tr>
<td>Library</td>
<td>5,690,097 6,322,330 0.03981</td>
</tr>
<tr>
<td>Social Security</td>
<td>2,015,332 2,239,258 0.01410</td>
</tr>
<tr>
<td>Police &amp; Fire Pension</td>
<td>3,753,367 4,148,186 0.02612</td>
</tr>
</tbody>
</table>

22. There is hereby authorized the transfer to the appropriate reserve accounts
of all encumbrances, including accrued payroll, for the fiscal year ending
August 31, 2010, together with any monies previously so reserved.
23. 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.
24. 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
payoff 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.
25. 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 due and
payable in such fiscal year on the Solid Waste Management Revenue Bonds issued
in 2006 if and to the extent that such General Fund cash balances are available.
26. 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, 2009
was $26,648,262. This August 31, 2009 unreserved balance is 22.16% of the
General Fund budget for 2010-11 of $120,272,867 included in this resolution.
The August 31, 2009 unreserved balance was 2.16% greater than the 20% goal for
such balance set by Resolution A-82134.
27. That the appropriations and cash (where necessary) for the following items be
transferred effective August 31, 2010 up to the following amounts:

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>18002.5856</td>
<td>General Expense/City Share of Downtown Maint.</td>
<td>$31,708</td>
</tr>
<tr>
<td>41356.6137</td>
<td>Urb. Dev. Street Tree Replacement CIP Proj.</td>
<td>$31,708</td>
</tr>
<tr>
<td>18001.5999</td>
<td>Contingency</td>
<td>$300,000</td>
</tr>
<tr>
<td>18002.5647</td>
<td>General Expense/Corrections</td>
<td>$154,000</td>
</tr>
<tr>
<td>03001.5021</td>
<td>Law/Salaries</td>
<td>$54,000</td>
</tr>
<tr>
<td>06009.5621</td>
<td>Finance/City Treasurer/Misc. Contractual</td>
<td>$10,000</td>
</tr>
<tr>
<td>79140.5621</td>
<td>Public Works &amp; Utilities/St. Maint.</td>
<td>$390,000</td>
</tr>
</tbody>
</table>

That the cash for the following items be transferred effective August 31, 2010:
29. In order to have the 2010-11 City of Lincoln C.I.P. correspond with the Railroad Transportation Safety District C.I.P. lapse $4,400,000 of the $4,400,000 of 2009-10 C.I.P. appropriations that were not expended as of June 30, 2010 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 $4,400,000 shall be reappropriated in the 2010-11 City of Lincoln C.I.P. as they are in the Railroad Transportation Safety District C.I.P.

30. That the following unexpended appropriations are reappropriated effective August 31, 2010 up to the following amounts:

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>79610.5633</td>
<td>Pub. Works &amp; Util./Data Proc. Equip.</td>
<td>$60,000</td>
</tr>
<tr>
<td>18002.5141</td>
<td>General Expense/Special Assessments (sidewalks)</td>
<td>$163,516</td>
</tr>
<tr>
<td>18002.5878</td>
<td>General Expense/Problem Resolution Team</td>
<td>$36,226</td>
</tr>
<tr>
<td>18002.5880</td>
<td>General Expense/Graffiti Abatement</td>
<td>$27,184</td>
</tr>
<tr>
<td>18002.5636</td>
<td>General Expense/Demolition of Buildings</td>
<td>$29,964</td>
</tr>
<tr>
<td>010002.5934</td>
<td>City Council/Misc. Other Serv. &amp; Charges</td>
<td>$11,373</td>
</tr>
<tr>
<td>18002.5856</td>
<td>General Expense/ambulance</td>
<td>$27,697</td>
</tr>
<tr>
<td>18002.5859</td>
<td>General Expense/oracle financial system</td>
<td>$129,000</td>
</tr>
<tr>
<td>18002.6024</td>
<td>General Expense/City Share-Impact Fees (Low Income)</td>
<td>$183,649</td>
</tr>
<tr>
<td>18002.6027</td>
<td>General Expense/City Share-Impact Fees (Econ. Dev.)</td>
<td>$60,000</td>
</tr>
<tr>
<td>06014.6069</td>
<td>911 Communications/Data Proc. Equip.</td>
<td>$5,722</td>
</tr>
<tr>
<td>06065.6085</td>
<td>Finance/Radio Shop/Radio Equipment</td>
<td>$188,000</td>
</tr>
<tr>
<td>092502.5621</td>
<td>Parks/Keno/Misc. Contractual</td>
<td>$51,334</td>
</tr>
<tr>
<td>18002.5621</td>
<td>Gen. Expense/Misc. Contr.</td>
<td>$216,565</td>
</tr>
<tr>
<td>08001.5633</td>
<td>Bldg. &amp; Safety/Admin.</td>
<td>$113,548</td>
</tr>
<tr>
<td>08001.5761</td>
<td>Building &amp; Safety/Microfilming</td>
<td>$45,000</td>
</tr>
<tr>
<td>08002.6069</td>
<td>Building &amp; Safety/Business Office/Data Proc. Equip.</td>
<td>$56,925</td>
</tr>
<tr>
<td>08012.6076</td>
<td>Bldg. &amp; Safety/Fire Inv./Misc. Equip.</td>
<td>$22,000</td>
</tr>
<tr>
<td>18002.5970</td>
<td>General Expense/Court &amp; Litigation</td>
<td>$18,000</td>
</tr>
<tr>
<td>18002.5642</td>
<td>General Expense/Legal Services</td>
<td>$160,873</td>
</tr>
<tr>
<td>18002.5998</td>
<td>General Expense/Witness Fees</td>
<td>$44,000</td>
</tr>
<tr>
<td>17004.5638</td>
<td>Com. Health Endowment/Grants</td>
<td>$1,207,454</td>
</tr>
<tr>
<td>18002.5865</td>
<td>Safety District C.I.P./Minor Bldg. &amp; Grounds Improve.</td>
<td>$7,500</td>
</tr>
<tr>
<td>13025.5621</td>
<td>Urban Dev./Downtown Civic Plaza</td>
<td>$100,000</td>
</tr>
<tr>
<td>0402b.5420</td>
<td>Police/Admin. Support/Minor Equip.</td>
<td>$8,038</td>
</tr>
<tr>
<td>0402b.5728</td>
<td>Police/Admin. Support/Schools &amp; Conf.</td>
<td>$15,000</td>
</tr>
<tr>
<td>0402b.5861</td>
<td>Police/Admin. Support/ Purn. &amp; Fix. Repair</td>
<td>$4,084</td>
</tr>
<tr>
<td>0402b.5952</td>
<td>Police/Admin. Support/Advertising/Media Serv.</td>
<td>$32,344</td>
</tr>
<tr>
<td>0402b.5600</td>
<td>Police/Admin. Support/Audio Visual Equip.</td>
<td>$50,736</td>
</tr>
<tr>
<td>0402b.6069</td>
<td>Police/Admin. Support/D.P. Equip.</td>
<td>$94,898</td>
</tr>
<tr>
<td>0402b.6076</td>
<td>Police/Admin. Support/Misc. Equip.</td>
<td>$25,611</td>
</tr>
<tr>
<td>0402b.6085</td>
<td>Police/Admin. Support/Radio Equip.</td>
<td>$4,340</td>
</tr>
<tr>
<td>18052.5633</td>
<td>Dev. Services Ctr.</td>
<td>$255,443</td>
</tr>
<tr>
<td>06014.6238</td>
<td>Finance/911 Communications/match for phone sys.</td>
<td>$92,000</td>
</tr>
<tr>
<td>06014.6239</td>
<td>Finance/911 Communications/match for phone sys.</td>
<td>$38,000</td>
</tr>
<tr>
<td>14011.5670</td>
<td>Library/Bldg Maint.</td>
<td>$53,000</td>
</tr>
<tr>
<td>14011.5621</td>
<td>Library/Misc. Contractual</td>
<td>$15,000</td>
</tr>
</tbody>
</table>

31. That unencumbered appropriations and cash (where necessary) from the budget for the fiscal year beginning September 1, 2009 be transferred and reappropriated up to the following amounts effective August 31, 2010:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health/CHS Admin./Salaries</td>
<td>$90,000</td>
</tr>
<tr>
<td>Health/Animal Control/Salaries</td>
<td>$3,500</td>
</tr>
<tr>
<td>Health/Animal Control/Health Ins.</td>
<td>$9,300</td>
</tr>
<tr>
<td>Health/Animal Control/FICA</td>
<td>$3,000</td>
</tr>
<tr>
<td>Health/Animal Control/PEHP</td>
<td>$1,600</td>
</tr>
<tr>
<td>Health/Animal Control/Misc. Contractual</td>
<td>$10,738</td>
</tr>
<tr>
<td>Health/Animal Control/Photocopying</td>
<td>$3,000</td>
</tr>
<tr>
<td>Health/Animal Control/Education &amp; Training</td>
<td>$1,600</td>
</tr>
<tr>
<td>Health/Data Processing Equip.</td>
<td>$50,000</td>
</tr>
<tr>
<td>Health/CHS Admin./Misc. Contractual</td>
<td>$40,000</td>
</tr>
<tr>
<td>Health/Animal Control</td>
<td>$35,000</td>
</tr>
</tbody>
</table>

32. 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:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>$3,214,700</td>
</tr>
<tr>
<td>Health</td>
<td>$186,200</td>
</tr>
<tr>
<td>Library</td>
<td>$149,400</td>
</tr>
<tr>
<td>Aging</td>
<td>$238,476</td>
</tr>
<tr>
<td>StarTran</td>
<td>$319,351</td>
</tr>
<tr>
<td>911 Communications</td>
<td>$125,033</td>
</tr>
</tbody>
</table>

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

Introduced by Jonathan Cook
REGULAR MEETING
AUGUST 23, 2010
Page 631

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

RECONSIDERATION - ORDINANCE NO. 19430
ADOPTING AN AMENDED AND RESTATE VERSION OF THE CITY OF LINCOLN EMPLOYEES’ RETIREMENT PLAN AND TRUST TO PROVIDE THAT THE EMPLOYER CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER “N” ON OR AFTER SEPTEMBER 1, 2010 WILL BE AN AMOUNT EQUAL TO 9% OF AN EMPLOYEE’S COMPENSATION; AND TO FURTHER PROVIDE THAT THE MANDATORY EMPLOYEE CONTRIBUTION FOR EMPLOYEES HIRED IN POSITIONS AND PAY RANGES PREFIXED BY THE LETTER “N” ON OR AFTER SEPTEMBER 1, 2010 WILL BE IN AN AMOUNT EQUAL TO 7% OF AN EMPLOYEE’S COMPENSATION - PRIOR to reading:

COOK      Moved to reconsider Bill No. 10-101.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

COOK      Moved to place Bill 10-101 on Pending Indefinitely.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

RECONSIDERATION - ORDINANCE NO. 19432
AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE, OFFICERS, DEPARTMENTS AND PERSONNEL, BY AMENDING SECTIONS 2.62.010, 2.65.010 AND 2.66.010 RELATING TO THE ESTABLISHMENT OF POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, TO AMEND THE DATE BY WHICH THE REQUIRED CITY NORMAL COST CONTRIBUTIONS TO THE POLICE AND FIRE PENSION FUND ARE TO BE MADE - PRIOR to reading:

CAMP      Moved to reconsider Bill No. 10-103.
Seconded by Hornung & LOST by the following vote: AYES: Camp; NAYS: Carroll, Cook, Emery, Hornung, Snyder; ABSENT: Spatz.

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP      Moved to extend the Pending List to August 30, 2010.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

UPCOMING RESOLUTIONS

CAMP      Moved to approve the resolutions to have Public Hearing on August 30, 2010.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

ADJOURNMENT  7:09 P.M.

CAMP      Moved to adjourn the City Council meeting of August 23, 2010.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder; NAYS: None; ABSENT: Spatz.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant