THE MINUTES OF THE CITY COUNCIL MEETING HELD MONDAY, AUGUST 30, 2010 AT 5:30 P.M.

The Meeting was called to order at 5:30 p.m. Present: Council Chair Spatz; Council Members: Camp, Carroll, Cook, Emery, Hornung, Snyder; City Clerk, Joan E. Ross.

Council Chair Spatz 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

CAMP Having been appointed to read the minutes of the City Council proceedings of August 23 reported having done so, found same correct.

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

PUBLIC HEARING

REPORT OF SETTLEMENT OF NON-TORT CLAIMS - Rod M. Confer, City Attorney, came forward to present a new report which will be seen on the Agenda from time to time. He said pursuant to Neb. Rev. Stat. § 84-713, it is required that all settlement agreements in amounts over $50,000 must be reported to the City Council and placed on file with the City Clerk as public record available for public review. This matter was taken under advisement.

APPLICATION OF 1644 STEELE LLC DBA THE BAR FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 27 FEET BY 87 FEET TO THE WEST OF THE LICENSED PREMISES AT 1644 P STREET ON SEPTEMBER 4, 11, 25; OCTOBER 16, 30; NOVEMBER 13, 26, 27, 2010 FROM 8:00 A.M. TO 2:00 A.M. - Greg List, co-owner/operator of The Bar at 1644 P St., came forward to answer questions about the beer garden expansion to the west for home game Saturdays. He said since approval was given for all seven home games last year, his experienced staff understands security & procedures.

Richard Halvorsen, 6711 Inverness Rd., came forward to inquire about liquor establishment hours of sales.

Clerk Ross explained procedures for SDL’s and reported that the license, when issued by the State, will reflect the 2 a.m. bar close time only if the ordinance passes today.

John Austin, 826 S. 14th Street, came forward to speak about the 2 a.m. bar closure for liquor establishments but was advised that public testimony on that issue had ceased.

This matter was taken under advisement.

APPLICATION OF RHINO DYNAMICS INC. DBA DUFFY’S TAVERN FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 350 FEET BY 200 FEET IN THE PARKING LOT AT 605 NORTH 8TH STREET ON SEPTEMBER 10, 2010 FROM 7:00 P.M. TO 1:00 A.M. - Scott Hatfield, manager of Duffy’s Tavern, came forward to explain his event is the first in a series of concerts held on Fridays before football games.

Clerk Ross responded to Council questions. She clarified that the first time requires Council approval and, if the event goes well, future requests for the same location can be approved administratively.

This matter was taken under advisement.

STREET NAME CHANGE 10005 - RENAMING WHITE PINE DRIVE AS “ELDORADO DRIVE” IN WILDERNESS HILLS 4TH ADDITION, GENERALLY LOCATED AT SOUTH 30TH STREET AND WHISPERING HILLS BOULEVARD - Marvin Krout, Director of Planning, came forward to explain that due to a strong similarity to White Pine Road approved in Waterford Estates, the developer was willing to accept a substitute street name. Mr. Krout identified that no one lives on that street.

This matter was taken under advisement.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY AMENDING SECTION 8.06.145 TO INCREASE 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 FEES ASSOCIATED WITH FOOD ESTABLISHMENTS; AMENDING SECTION 8.24.150 TO INCREASE THE PERMIT FEE FOR A SMALL FAMILY CHILD CARE HOME; AMENDING SECTION 8.24.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH CHLORINATION OF WATER WELLS AND TO PROVIDE THAT SUCH PERMITS SHALL BE ANNUAL RATHER THAN BIENNIAL;

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 TREATMENT SYSTEMS; AND AMENDING SECTION 24.40.070 TO INCREASE THE PERMIT 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 - Scott Holmes, Manager, Environmental Public Health, came forward to speak about fee change increases in the range of $5-10 to support programs that serve the public and protect the environment.

Council Member Cook shared that he did not plan to offer any amendments to change how the fees are set. He stated that he recently considered streamlining the fee process to be done administratively & adjusted for inflation but discovered through public feedback that transparency was of higher importance. He suggested reviews be done on a regular basis.

John Austin, 826 S. 14th Street, came forward to share his concerns about numerous tax increases.

This matter was taken under advisement.

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, EQUIPPING AND FURNISHING OF IMPROVEMENTS IN PAVING DISTRICT NO. 2630, WATER DISTRICT NO. 1202 AND SEWER DISTRICT 1186 OF THE CITY FROM THE PROCEEDS OF CITY SPECIAL ASSESSMENT REVOLVING FUND BONDS - Steve Hubka, Budget Director, came forward to answer any questions regarding a routine resolution to reimburse costs from future bond proceeds.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 1 - 15, 2010. - Kathy Kapp, no address given, came forward to speak on behalf of her denied claim. She explained her situation involving damages to her vehicle as a result of hitting a pothole.

Rod M. Confer, City Attorney, came forward to answer questions about the denied claim. He said that Ms. Kapp’s report of the pothole was the first indication Public Works Department had about a pothole at the location and street repairs were promptly made the next day. He clarified that under the Political Subdivision Tort Claims Act, the City is not liable for defects in a roadway unless prior notice was given and repairs were not made in a reasonable time. In response to Council Member Cook’s question on the approved claim against an LES vehicle, Mr. Confer said its listing was an oversight. He said the LES claim is paid separately but contracted through the same Risk Management Department as the City.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE USE OF FEDERAL FUNDS TO COMPLETE THE FRACTURE CRITICAL BRIDGE INSPECTION OF STRUCTURE U142514300, ANTELOPE VALLEY EAST LES BRIDGE;

APPROVING A REQUEST FOR RELAXATION OF STANDARDS FROM THE STATE OF NEBRASKA, BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, TO AVOID IMPACTS OF A RAMP IMPROVEMENT PROJECT ON AN ADJACENT FLOODPLAIN DEPRESSIONAL WETLAND FOR CITY PROJECT 702620, SUPERIOR STREET AND INTERSTATE 180 EAST RAMP SAFETY PROJECT - Miki Esposito, Public Works & Utilities Dept., came forward to answer questions.
Ms. Esposito reported that she would follow up with answers the next day to Council Member Snyder’s questions regarding the fracture critical bridge inspection of a fairly new bridge. Council suggested a delay of action on the funding agreement until answers are provided.

This matter was taken under advisement.

APPROVING A LICENSE AGREEMENT TO CONTINUE THE TENANCY OF THE PUBLIC WORKS & UTILITIES DEPARTMENT AT 531 WESTGATE BLVD., TO A DATE NO LATER THAN FEBRUARY OF 2011 - Miki Esposito, Public Works & Utilities Dept., came forward to answer questions.

This matter was taken under advisement.

APPROVING THE MANAGEMENT AGREEMENT BETWEEN THE CITY AND REPUBLIC PARKING SYSTEM, INC. FOR LINCOLN PARKING FACILITIES FOR A TERM OF SEPTEMBER 1, 2009 THROUGH AUGUST 30, 2011 - David Landis, Urban Development Director, came forward to answer questions about the four-year, on-street parking enforcement contract including compensation of employees, operation expenses, hand-held telephones, operation/maintenance of vehicles and graduated increases of about $3,000 annually. In response to Council questions about service hours, Mr. Landis said it replicates existing services/practices without any reduction in hours but resources may be adjusted as available. He said the four City-owned police vehicles will be changed so as not to bear the look of law enforcement; instead carrying the "Park & Go" logo. He said fuel/maintenance of the vehicles is a reimbursable expense covered by the contract coming out of the Parking Fund. Richard Halvorsen, 6711 Inverness Rd., came forward to state he would be interested in reading a verbatim log and questioned if it would be available on the internet. He asked if the City or Republic would be responsible for replacement of parking vehicles.

Mr. Landis came forward to state that the City prefers to control the purchase process of parking vehicles so as to get better deals and keep management costs low. In response to Council questioning about funding, he explained that as a penalty, a constitutional provision obliges that a portion of a parking ticket goes to schools, minus collection expenses.

This matter was taken under advisement.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO ADOPT NEW FEDERAL MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY REQUIREMENTS ON VARIOUS AREA SOURCES OF HAZARDOUS AIR POLLUTANTS; AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO ASSURE CONSISTENCY WITH FEDERAL AND STATE AIR QUALITY REGULATIONS; AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO MODIFY THE ANNUAL FEE STRUCTURE FOR ALL REGULATED INDUSTRIES AND BUSINESSES; INCREASING FEES FOR SPECIAL WASTE PERMITS AS AUTHORIZED UNDER CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE; ADOPTING FEES TO COVER THE EXPENSES OF CONDUCTING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT COMPLIANCE INSPECTIONS AT REGULATED INDUSTRIAL FACILITIES BY HEALTH DEPARTMENT STAFF - Scott Holmes, Manager, Environmental Public Health, came forward to explain that these resolutions assure consistency with Federal and State regulations and standards. He said the collection of fees allows his department to do mandatory work under the code and continue to protect the public health & safety in our community.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING ADAM HORNUNG TO THE UTILITY BILLING CHECK OFF PROGRAM FOR A TERM EXPIRING AUGUST 31, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85976 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Adam Hornung to the Utility Billing Check Off Program for a term expiring on August 31, 2011, is hereby approved.

Introduced by Jon Camp
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
APPOINTING ADAM HORNUNG AND DOUG EMBERY TO THE JOINT BUDGET COMMITTEE FOR TERMS EXPIRING AUGUST 31, 2011 AND AUGUST 31, 2012, RESPECTIVELY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85977

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

That the appointments of Adam Hornung and Doug Emery to the Joint Budget Committee for terms expiring on August 31, 2011 and August 31, 2012, respectively, are hereby approved.

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

APPOINTING GENE CARROLL, DOUG EMBERY AND ADAM HORNUNG TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR TERMS EXPIRING AUGUST 31, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85978

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

That the appointments of Gene Carroll, Doug Emery and Adam Hornung to the Railroad Transportation Safety District for terms expiring on August 31, 2011, are hereby approved.

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

APPOINTING JONATHAN COOK TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING APRIL 17, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85979

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

That the appointment of Jonathan Cook to the Parks and Recreation Advisory Board for a term expiring on April 17, 2011, is hereby approved.

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

APPOINTING JOHN SPATZ TO THE MAYOR’S MULTICULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING SEPTEMBER 18, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85980

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

That the appointment of John Spatz to the Mayor’s Multicultural Advisory Committee for a term expiring on September 18, 2011, is hereby approved.

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

APPOINTING JON CAMP TO THE DISTRICT ENERGY CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2010 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85981

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

That the appointment of Jon Camp to the District Energy Corporation for a term expiring on December 31, 2010, is hereby approved.

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

APPOINTING RUSSELL MILLER TO THE ALARM REVIEW BOARD FOR A TERM EXPIRING JULY 1, 2012 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85982

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

That the appointment of Russell Miller to the Alarm Review Board for a term expiring on July 1, 2012, is hereby approved.

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

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 16, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)
PETITIONS & COMMUNICATIONS

REPORT OF SETTLEMENT OF NON-TORT CLAIMS - CLERK presented said report which was placed on file in the Office of the City Clerk.

REFERRALS TO THE PLANNING DEPARTMENT:

Special Permit No. 10030 - Req. by Nebraska CVS Pharmacy, LLC for the authority to sell alcoholic beverages for consumption off the premises on property generally located at N. 48th Street and O Street.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 10037 to Special Permit No. 1959, Prairie Village, approved by the Planning Director on August 20, 2010 requested by Pedcor Investments to revise the multiple family lot into three lots and amend the layout of the multiple family area on property generally located northeast of N. 84th Street and Leighton Avenue.

Administrative Amendment No. 10045 to Special Permit No. 04033, Sterling Hills Community Unit Plan, approved by the Planning Director on August 20, 2010 requested by Ross Hasselhorst to permit on lots on the south side of O'Sullivan Road to have patios, decks, terraces and ornamental features, which do not extend more than three feet above or below the adjacent ground level, to project into a required side or rear yard, provided these projections be at least two feet from a property line on property generally located at S. 37th Street and Yankee Hill Road.

Administrative Amendment No. 10048 to Use Permit/Special Permit No. 11F, Southridge (South Pointe Pavilions) approved by the Planning Director on August 20, 2010 requested by Sandstone Construction LLC to extend the building envelope in Lot 8 (new Trader Joe’s location) by 7.93 feet to the east to allow for a revised loading/dock area on property generally located at S. 32nd Street and Pine Lake Road.

LIQUOR RESOLUTIONS

APPLICATION OF 1644 STEELE LLC DBA THE BAR FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 27 FEET BY 87 FEET TO THE WEST OF THE LICENSED PREMISES AT 1644 P STREET ON SEPTEMBER 4, 11, 25; OCTOBER 16, 30; NOVEMBER 13, 26, 27, 2010 FROM 8:00 A.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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 1644 Steele LLC dba The Bar for a Special Designated License to cover an area measuring approximately 27 feet by 87 feet to the west of the licensed premises located at 1644 P Street, Lincoln, Nebraska, on September 4, 11, 25, October 16, 30, and November 13, 26, 27, 2010 between the hours of 8:00 a.m. and the closing time determined by the Lincoln Municipal Code, be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

APPLICATION OF RHINO DYNAMICS INC. DBA DUFFY'S TAVERN FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 350 FEET BY 200 FEET IN THE PARKING LOT AT 605 NORTH 8TH STREET ON SEPTEMBER 10, 2010 FROM 7:00 P.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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 Rhino Dynamics
Inc. dba Duffy's Tavern for a Special Designated License to cover an area measuring approximately 350 feet by 200 feet in the parking lot of 605 North 8th Street, Lincoln, Nebraska, on September 10, 2010 between the hours of 7:00 p.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

STREET NAME CHANGE 10005 – RENAMING WHITE PINE DRIVE AS “ELDORADO DRIVE” IN WILDERNESS HILLS 4TH ADDITION, LOCATED AT SOUTH 30TH STREET AND WHISPERING HILLS BOULEVARD - CLERK read an ordinance, introduced by Jon Camp, changing the name of an existing street located in Wilderness Hills 4th Addition, generally located at South 30th Street and Whispering Hills Boulevard, from White Pine Drive to Eldorado Drive, as recommended by the Street Name Committee, the second time.

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 FEE FOR A VARIANCE TO THE PROVISIONS OF LMC SECTION 8.24.090 RELATING TO NOISE DISTURBANCES; 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 fee for a food establishment; amending Section 8.24.150 to increase the permit fee for a variance to the provisions of LMC Section 8.24.090 relating to noise disturbances; 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; 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 second 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 RELATED PERMIT FEES; AND AMENDING SECTION 5.41.060 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 second time.
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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 Plumbing and Sewers by amending Section 24.38.070 to increase the permit fees associated with on-site wastewater treatment 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 second time.

PUBLIC HEARING - RESOLUTIONS

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, EQUIPPING AND FURNISHING OF IMPROVEMENTS IN PAVING DISTRICT NO. 2630, WATER DISTRICT NO. 1202 AND SEWER DISTRICT NO. 1186 OF THE CITY FROM THE PROCEEDS OF CITY SPECIAL ASSESSMENT REVOLVING FUND BONDS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH ACQUIRING, CONSTRUCTING, EQUIPPING AND FURNISHING IMPROVEMENTS IN THE CITY'S PAVING DISTRICT NO. 2630, WATER DISTRICT NO. 1202 AND SEWER DISTRICT NO. 1186 FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA SPECIAL ASSESSMENT REVOLVING FUND BONDS.

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

Section 1. Findings.
(a) The City has begun acquiring, constructing, equipping and furnishing certain improvements (the "Project") in Paving District No. 2630, Water District No. 1202, and Sewer District No. 1186 of the City (collectively, the "Districts") in the current fiscal year to provide for the health, safety and welfare of its residents and on and after August 30, 2010, the City anticipates spending funds in the amount of not less than $1,070,000 to pay the costs of the Project.
(b) The City is authorized, pursuant to the provisions of Section 10a of Article VIII of the City's Home Rule Charter (the "Charter"), to issue and sell its Special Assessment Revolving Fund Bonds, payable from the Levy of a tax upon all the taxable property located in the City, and the City anticipates issuing such bonds in the maximum aggregate principal amount of $1,200,000 (the "Bonds") in connection with the Project to finance all or a portion of the costs of the Project.
(c) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the Bonds and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder, including but not limited to Section 1.150-2 thereof (the "Regulations").
(d) The Code and the Regulations (collectively, the "Tax Law") require that the City declare its official intent to reimburse any original expenditures (except as set forth in the Tax Law) for costs of the Project with the proceeds of tax-exempt obligations not later than 60 days after the payment of such expenditures. The Tax Law requires that the Bonds be issued and a reimbursement allocation be made from the proceeds of the Bonds within 18 months after the later of the date (i) the original expenditure is paid or (ii) the Project is placed in service or abandoned, but in no event more than 3 years after the date the expenditure is paid.
(e) It is necessary, desirable, advisable and in the best interests of the City that it declare its official intent to permit the City to reimburse costs of the Project made by the City from the proceeds of the Bonds in accordance with the requirements of the Tax Law.

Section 2. Declaration of Intent and Related Matters.
(a) In accordance with the provisions of the Tax Law, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the issuance of the Bonds in connection therewith, the interest on which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the issuance of the Bonds, the City is authorized to advance money in an amount not to exceed $1,000,000 for the purposes hereinafter described.
(b) Except for (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) "de minimis expenditures" defined under Section 1.150-2(f)(1) of the Regulations, and (iii) "preliminary expenditures" defined under Section 1.150-2(f)(2) of the Regulations, no expenditures made in furtherance of the Project have been paid by the City more than 60 days prior to the adoption of this Resolution.

(c) The reasonably expected source of funds to be used to pay debt service on the Bonds will be the proceeds of the levy of a tax upon all taxable property in the City, which, together with special assessments on property in the Districts, shall be sufficient to pay principal and interest on the Bonds and shall be pledged to the payment of the principal of and interest on the Bonds.

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

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than the contemplated issuance of the Bonds. This Resolution is consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

(f) Notwithstanding any other provision of this Resolution, nothing contained herein is intended to obligate the City to issue the Bonds or to reimburse any particular expenditure.

Section 3. Authorizations.

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

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

(c) The Authorized Officers shall be responsible for making any "reimbursement allocation" described in Section 1.150-2 of the Regulations by transferring the appropriate amount of Bonds proceeds to the City accounts used to temporarily finance some or all of the costs of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the Project and shall specifically identify the original expenditure being reimbursed.

Section 4. Ratification. All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City’s ability to reimburse expenditures made in furtherance of the Project with the proceeds of the Bonds are hereby ratified, confirmed and approved.

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

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

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 1 - 15, 2010 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85986 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the claims listed in the attached report, marked as Exhibit "A", dated August 16, 2010, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The disposals of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:
DENIED CLAIMS

Kathy Leigh Kapp   $ 463.09 University of Nebraska Lincoln  $1,020.60
Ron Wilhelm             450.00 Harry & Sandra Dingman             636.39
MWE Services, Inc.  100,000.00 John Hastings                      619.57
Tahsin Khalaf         1,180.00 American Red Cross                 550.00

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

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

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE USE OF FEDERAL FUNDS TO COMPLETE THE FRACTURE CRITICAL BRIDGE INSPECTION OF STRUCTURE U142514300, ANTELOPE VALLEY EAST LEG BRIDGE - PRIOR to reading:

SNYDER Moved to continue Public Hearing with Action on Bill No. 10R-206 in two weeks to September 13, 2010.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

APPROVING A REQUEST FOR RELAXATION OF STANDARDS FROM THE STATE OF NEBRASKA, BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, TO AVOID IMPACTS OF A RAMP IMPROVEMENT PROJECT ON AN ADJACENT FLOODPLAIN DEPRESSIONAL WETLAND FOR CITY PROJECT 702620, SUPERIOR STREET AND INTERSTATE 180 EAST RAMP SAFETY PROJECT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85987 WHEREAS, the State of Nebraska, Board of Public Roads Classifications and Standards has established an embankment slope of 1V:6H (1 foot vertical to 6 feet horizontal) for Interstate Interchange Ramps; and
WHEREAS, the 1V:3H embankment slope proposed for 225 feet for City Project 702620, State Project HSIP-5254(8), Control Number 12928 – Superior Street and Interstate 180 East Ramp Safety Project, does not meet such minimum design standard for shoulder slopes on Interstate Interchange Ramps; and
WHEREAS, the City of Lincoln desires to request a modification of the Standards by the Board of Public Roads Classification and Standards so as to not substantially impact an existing delineated wetland in the adjacent right-of-way through the proposed reconstruction of this project; and
WHEREAS, the City of Lincoln believes that the granting of such an exception will not impair the safety of traffic within the limits of these projects;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

BE IT FURTHER RESOLVED that the Director of Public Works and Utilities is hereby authorized and directed to forward a copy of this Resolution to the Board of Public Roads Classifications and Standards as a part of the City of Lincoln’s request for the design exception.

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

APPROVING A LICENSE AGREEMENT TO CONTINUE THE TENANCY OF THE PUBLIC WORKS & UTILITIES DEPARTMENT AT 531 WESTGATE BLVD., TO A DATE NO LATER THAN FEBRUARY OF 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85988 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the License Agreement between the City of Lincoln and B&J Partnership, Ltd. dba Speedway Properties to continue the tenancy of the Public Works & Utilities Department at 531 Westgate Blvd. on a month to month basis to a date no later than February 28, 2011, which is attached hereto, marked as Exhibit "A" and made a part hereof by reference, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.
The City Clerk is directed to transmit one executed original Agreement to Roger Figard, Public Works & Utilities Department, for transmittal to B&J Partnership.

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

APPROVING THE MANAGEMENT AGREEMENT BETWEEN THE CITY AND REPUBLIC PARKING SYSTEM, INC. FOR LINCOLN PARKING FACILITIES FOR A TERM OF SEPTEMBER 1, 2009 THROUGH AUGUST 30, 2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85989

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

That the Amendment to Management Agreement between the City of Lincoln and Republic Parking System, Inc. for City of Lincoln parking facilities which is attached hereto and made a part hereof by reference, under which Republic Parking System agrees to add On-Street Enforcement to the scope of services currently performed, upon the terms and conditions as set forth in said Amendment to Management Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one copy of the executed original Agreement to the City Parking Manager in the Urban Development Department for transmittal to Republic Parking System, Inc.

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

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO ADOPT NEW FEDERAL MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY REQUIREMENTS ON VARIOUS AREA SOURCES OF HAZARDOUS AIR POLLUTANTS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85990

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

That the Amendments to Article 2, Section 1 Definitions, Section 17 Construction Permits - When Required, Section 18 New Source Performance Standards and Emission Limits for Existing Sources, and Section 22 Incinerator Emission, of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards implemented by the Lincoln-Lancaster County Health Department, copies of which are attached hereto, marked as Attachment “A” and made a part hereof by reference, to adopt new Federal Maximum Achievable Control Technology requirements on various area sources of Hazardous Air Pollutants, are hereby approved.

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

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

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO ASSURE CONSISTENCY WITH FEDERAL AND STATE AIR QUALITY REGULATIONS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85991

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

That the Amendments to Article 2, Section 28 Hazardous Air Pollutants MACT Emission Standards, specifically identifying newly regulated sources of air pollution subject to Federal Maximum Achievable Control Technology for Hazardous Air Pollutants and creating regulatory requirements, copies of which are attached hereto, marked as Attachment “A” and made a part hereof by reference, to assure consistency with Federal and State air quality regulations, are hereby approved.

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

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

AMENDING THE LINCOLN-LANCERST COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO MODIFY THE ANNUAL FEE STRUCTURE FOR ALL REGULATED INDUSTRIES AND BUSINESSES - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Amendments to Article 1, Section 5 Variance, Article 1, Section 6 Annual Fees, specifically creating fees for newly regulated sources of air pollution subject to Federal Maximum Achievable Control Technology for Hazardous Air Pollutants; Article 2, Section 29 Operating Permit Emission Fees; and Article 2, Section 30 Construction Permit Fee of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards implemented by the Lincoln-Lancaster County Health Department, copies of which are attached hereto, marked as Attachment "A" and made a part hereof by reference, to modify the annual fee structure for all regulated industries and business, are hereby approved.

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

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

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

WHEREAS, the City Council adopted Resolution No. A-85496 on August 31, 2009, and is authorized under Chapter 8.32 of the Lincoln Municipal Code to establish and revise fees and minimum quantities for the issuance of Special Waste Permits; and

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

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

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

A. Group 1: Wastes That May Contain Free Liquids

1. Cooking oil and grease. Any quantity going to the Theresa Street Wastewater Treatment Plant Dump Station requires a permit, which permit may be issued as a blanket permit covering multiple disposals as provided on the permit. Annual Permit Fees: None. Waste in excess of one gallon per month or one pound per load disposed at a waste disposal site other than the Theresa Street Wastewater Treatment Plant Dump Station requires a Special Waste Permit. Annual permit fee: $170.00

2. Cooking grease trap waste. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None. For all other disposal sites. Annual permit fee: $170.00

3. Mud or sand from sumps or traps. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None. For all other disposal sites. Annual permit fee: $170.00

4. Septic tank waste. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None. For all other disposal sites. Annual permit fee: $170.00

5. Chemicals and waste from portable or chemical toilets. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None. For all other disposal sites - Annual permit fee: $170.00

6. Sewage or other organic residues or sludges. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None. For all other disposal sites - Annual permit fees: $170.00

7. Sludges containing a liquid concentration of 80% or more by weight or material producing free liquids in a Standard Paint Filter Test. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None. For all other disposal sites - Annual permit fee: $170.00

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Group II: Petroleum-based Wastes

   Annual permit fee: $285.00.

9. Sludges from petroleum tanks. Any quantity requires a permit -
   Annual permit fee: $285.00.

10. a. Used oil filters. Any quantity requires an annual permit -
      Annual permit fees:
      - Less than 220 pounds per month - $65.00.
      - 220 pounds or more a month - $295.00.
      b. Petroleum contaminated soil and granular absorbents.
      Permitted Quantity: 220 pounds per month or more - Annual
      permit fee: $285.00.
      c. Petroleum contaminated refuse or other materials except oil
         filters, soil and granular absorbents. Any quantity
         requires a permit - Annual permit fee:
         - Quantities up to 220 pounds per month - $65.00.
         - Quantities 220 pounds or more per month - $285.00.

11. Petroleum contaminated water. Permitted quantity: 55 gallons per
    month or more - Annual permit fee: $285.00.

12. Oil, lubricants, hydraulic fluids, fuels, and other petroleum
    products. Any quantity requires a permit. Permit issued only for
    incineration in a used oil burning heating unit - Annual permit
    fee: $35.00.

Group III: Empty Containers

13. Pressurized containers or containers that may explode upon
    crushing. Empty containers meeting criteria for safe disposal at
    the City of Lincoln’s Sanitary Landfill adopted according to
    §8.32.070 will not require a permit.
    For all other disposal sites: Any quantity requires a permit -
    Annual Permit fee: $175.00.

14. Containers over five gallons in size. Empty containers meeting
    criteria for safe disposal at the City of Lincoln’s Sanitary
    Landfill adopted according to §8.32.070 will not require a permit.
    For all other disposal sites: Any quantity requires a permit -
    Annual Permit fee: $175.00.

15. Empty containers labeled “DANGER” or which once contained
    hazardous material. Empty containers meeting criteria for safe
    disposal at the City of Lincoln’s Sanitary Landfill adopted
    according to §8.32.070 will not require a permit.
    For all other disposal sites: Any quantity requires a permit -
    Annual permit fee: $175.00.

16. Fuel tanks. Empty containers meeting criteria for safe disposal at
    the City of Lincoln’s Sanitary Landfill adopted according to
    §8.32.070 will not require a permit.
    For all other disposal sites - Any quantity requires a permit -
    Annual permit fee: $175.00.

Group IV: Solvents, Absorbents, Filters, and Residues

17. Solvents, degreasers, strippers, thinners, and related products.
    Any quantity requires a permit. Annual permit fee: $175.00.

18. Refuse containing solvents, degreasers, strippers, or thinners.
    Any quantity requires a permit - Annual permit fee: $175.00.

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

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

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

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

Group V: Hazardous or Toxic Chemicals or Chemical Products

23. Antifreeze or treatment chemicals for boilers, heat exchangers,
    cooling towers, and similar uses. Minimum quantities: Five gallons
    or more per day - Annual permit fee: $175.00.

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

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

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

28. Hazardous or potentially hazardous waste or chemicals labeled “DANGER.” Any quantity requires a permit - Annual permit fee: $285.00.

Group VI: Miscellaneous

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

30. Treated or untreated infectious waste from other than hospitals. Any quantity requires a permit - Annual permit fee: $285.00.

31. Waste containing or likely to contain polychlorinated biphenyls (PCB). Any quantity requires a permit - Annual permit fee: $175.00.

32. Waste containing asbestos. Wastes from National Emission Standards of Hazardous Air Pollutants (NESHAP) and Nebraska Department of Health and Human Services (NDOH) permitted removal projects in Lincoln and Lancaster County do not require a Special Waste Permit. All other asbestos waste material in any quantity requires a permit - Annual permit fee: $175.00.

33. Material other than asbestos that could create a health hazard if airborne. Any quantity requires a permit - Annual permit fee: $175.00.

34. Wood that has been treated with hazardous or toxic chemicals. Quantities more than 43 pounds per month - Annual permit fee: $65.00.

35. Any other solid waste which, because of its physical, chemical or biological characteristics, requires special handling, treatment or disposal methodologies in order to protect public health, safety, and the environment. Any quantity requires a permit - Annual permit fee: $170.00.

F. General

1. If the Health Department identifies a new special waste stream due to process changes or otherwise, such special waste stream shall require an additional application, permit, and permit fee even if the special waste generator has an existing permit for a separate waste stream, including an existing permit for the same waste or waste category.

2. New industries, commercial operations, or home occupations disposing special wastes shall file a completed inventory/permit application with the Lincoln-Lancaster County Health Department within six months.

3. Inventory/permit applications from existing special waste generators must be filed within 60 days of notification by the Health Director. If, after notice has been sent, an inventory/permit application is received by the Lincoln-Lancaster County Health Department after 60 days or if the application is postmarked after the 60-day period, the resulting permit, if issued, will be assessed an additional $65.00.

BE IT FURTHER RESOLVED that City Council Resolution No. A-8496 shall be superseded by the terms of this resolution.

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

ADOPTING FEES TO COVER THE EXPENSES OF CONDUCTING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT COMPLIANCE INSPECTIONS AT REGULATED INDUSTRIAL FACILITIES BY HEALTH DEPARTMENT STAFF - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:
WHEREAS, the City Council adopted Resolution No. A-85498 on August 31, 2009, and is authorized under Chapter 28.02 of the Lincoln Municipal Code to establish and revise fees which the City may charge for National Pollutant Discharge Elimination System (NPDES) stormwater permit compliance inspections; and

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

WHEREAS, the Lincoln-Lancaster County Board of Health has reviewed the proposed fees and recommends their adoption; and

WHEREAS, the proposed fees are before the City Council for its consideration and approval.

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

BE IT RESOLVED that City Council Resolution No. A-85498 shall be superseded by the terms of this resolution.

WHEREAS, the proposed fees are before the City Council for its consideration and approval.

NOW, THEREFORE, BE IT RESOLVED that City Council Resolution No. A-85498 shall be superseded by the terms of this resolution.

SCHEDULE OF COSTS

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<tr>
<th>NPDES Permit Type</th>
<th>Annual Inspection Fee</th>
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<tr>
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<td>Late payment within 30 days after March 1</td>
<td>Annual fee plus 33% of annual fee</td>
</tr>
<tr>
<td>Late payment after 30 days after March 1</td>
<td>Annual fee plus 67% of annual fee</td>
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BE IT FURTHER RESOLVED that City Council Resolution No. A-85498 shall be superseded by the terms of this resolution.

Introduced by Jon Camp

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

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RATE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIMONTHLY AND DAILY PAY RANGES EQUivalents FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER “E” TO BE EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Eugene Carroll, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter “E”; and repealing Ordinance No. 19289, passed by the City Council on August 10, 2009, the first time.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 2.76.153 TO PROVIDE AN INCREASE IN PER HOUR PAY FOR SHIFT DIFFERENTIAL; AMENDING SECTION 2.76.365 TO ALLOW EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER “E” AND ELIGIBLE TO RETIRE TO ELECT A REDUCED WORK SCHEDULE; AMENDING SECTION 2.76.380 TO ADJUST TIME OFF FOR ILLNESS OF A FAMILY MEMBER TO COMMENCE WITH THE FIRST PAY PERIOD IN JANUARY; AMENDING SECTION 2.76.385 RELATING TO FUNERAL LEAVE TO REMOVE APPLICABILITY TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER “A” OR “C”;

AND TO ADD A NEW SECTION 2.76.387 RELATING TO BEREAVEMENT LEAVE FOR EMPLOYERS WITH A PAY RANGE PREFIXED BY THE LETTER “A” OR “C” - CLERK read an ordinance, introduced by Eugene Carroll, amending Chapter 2.76 of the Lincoln Municipal Code by amending Section 2.76.153 to provide an increase in per hour pay for shift differential; amending Section 2.76.365 to allow employees with a pay range prefixed by the letter “E” and eligible to retire to elect a reduced work schedule; amending Section 2.76.380 to adjust time off for illness of a family member to commence with the first pay period in January; amending Section 2.76.385 relating to funeral leave to remove applicability to employees with a pay range prefixed by the letter “A” or “C”; and to add a new section 2.76.387 relating to bereavement leave for employees with a pay range prefixed by the letter “A” or “C”, and repealing Sections 2.76.153, 2.76.365, 2.76.380, and 2.76.385 of the Lincoln Municipal Code as hitherto existing, the first time.
ORDINANCES - 3RD 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 - PRIOR to reading:

CARROLL Moved to Delay Action on Bill No. 10R-183 two weeks to September 13, 2010. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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 - PRIOR to reading:

CARROLL Moved to Delay Action on Bill No. 10-86 two weeks to September 13, 2010. Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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 third time.

VACATION 09006 – VACATING NORTH 14TH STREET FROM THE SOUTH RIGHT-OF-WAY LINE OF NEW HAMPSHIRE 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 third time.

SNYDER Moved to pass the ordinance as read. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. The ordinance, being numbered #19437, is recorded in Ordinance Book #27, Page 556.

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 third time.

SNYDER Moved to pass the ordinance as read. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. The ordinance, being numbered #19438, is recorded in Ordinance Book #27, Page 557.

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 NEMAHSA 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 third time.

SNYDER Moved to pass the ordinance as read. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. The ordinance, being numbered #19439, is recorded in Ordinance Book #27, Page 558.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE PANAMA CAFÉ FOR THE LEASE OF SPACE BY AGING PARTNERS FOR ITS SENIOR CENTER PROGRAM AT 310 LOCUST STREET, PANAMA, 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 Panama Café for the lease of space by the Aging Partners for its Senior Center Program at 310 Locust Street, Panama, NE 68419 for a term beginning September 1, 2010 through August 31, 2011, the third time.

SNYDER Moved to pass the ordinance as read. Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. The ordinance, being numbered #19440, is recorded in Ordinance Book #27, Page 559.
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 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 third time.

SNYDER Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. The ordinance, being numbered #19441, is recorded in Ordinance Book #27, Page

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 - PRIOR to reading:

COOK Moved to amend Bill No. 10-113 in the following manner:
1. On page 3, strike lines 14 through 18 to delete Section 8 of the ordinance.
2. Renumber the subsequent sections accordingly.

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

CLERK Read an ordinance, introduced by Jayne Snyder, amending Chapter 10.26 of the Lincoln Municipal Code due to changes associated with street names, roadway removals, proposed arterial additions and proposed removal of existing arterial street status, the third time.

SNYDER Moved to pass the ordinance as amended.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19442, is recorded in Ordinance Book #27, Page

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 third time.

SNYDER Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19443, is recorded in Ordinance Book #27, Page

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 - PRIOR to reading:

CARROLL Moved MTA #2 to amend Bill No. 10-115 in the following manner:
1. On page 1, line 9, after the word “Nebraska,” insert the following: excluding a triangular piece at the northeast corner of the proposed vacation area described as follows: Commencing at the northeast corner of said Lot 18, Block 2, Zehrung and Ames Addition; thence east on a straight line a distance of 2 feet to the Point of Beginning; thence continuing east on a straight line a distance of 33 feet to the east right-of-way line of the west 34 feet of South 29th Street; thence south along said east right-of-way line a distance of 33 feet; thence westerly on a straight line to the Point of Beginning, as shown on Attachment "A" attached hereto.

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

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 third time.

SNYDER Moved to pass the ordinance as amended.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
The ordinance, being numbered #19444, is recorded in Ordinance Book #27, Page
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 - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 10-107 as follows:
1. On Page 2, between Lines 4 and 5, insert the following:
   "(f) By October 1, 2011, the Internal Liquor Committee, created pursuant to Resolution A-75247, shall create a mandatory responsible beverage service training permit and training course whereby all persons who sell or serve liquor at retail will be educated in responsible beverage service practices and applicable laws."

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

CLERK Read an ordinance, introduced by Adam Hornung, amending Section 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 September 17, 2010, the third time.

HORNUNG Moved to pass the ordinance as amended.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

The ordinance, being numbered #19445, is recorded in Ordinance Book #27, Page

OPEN MICROPHONE

Jane Svoboda, address not given, came forward to share her concerns about the use of subliminal messages emitted through various devices to the general public. Council Member Camp questioned and advised her against posting messages on city light poles which is in violation of the law.

This matter was taken under advisement.

John Austin, 826 S. 14th Street, came forward to speak on various issues. He said he believed that the telecommunication tax will force people to make purchases outside the city. He believes that a wheel tax is unconstitutional.

This matter was taken under advisement.

Mike Morosin, 1500 N. 15th St., came forward to speak about his trailer that was ticketed as an abandoned vehicle and the report that he was operating a salvage operation. In response to Council Member Emery’s statement that the Problem Resolution Team talked with him and revealed he was engaged in motorcycle sales, Mr. Morosin explained that his home-based consulting/repair business was in existence long before the City’s act of eminent domain encouraged him to relocate.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 13, 2010.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on September 13, 2010.
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
REGULAR MEETING
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ADJOURNMENT  7:13 P.M.

CAMP        Moved to adjourn the City Council meeting of August 30, 2010.
            Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll,
            Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant