THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 8, 2011 AT 2:00 P.M.

The Meeting was called to order at 2:00 p.m. Present: Council Chair Carroll; Council Members: Camp, Cook, Emery, Eskridge, Hornung, Snyder; City Clerk, Joan E. Ross.

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

EMERY Having been appointed to read the minutes of the City Council proceedings of August 1, 2011 reported having done so, found same correct.

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

PUBLIC HEARING

APPROVING THE CLOSE OUT OF COMPLETED CONSTRUCTION PROJECTS AND TRANSFER OF UNSPENT APPROPRIATIONS AND CASH (IF ANY) FROM VARIOUS PROJECTS TO PROJECTS WHERE ADDITIONAL FUNDING IS NEEDED WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND THE PARKS & RECREATION DEPARTMENT - Fran Mejer, Public Works & Utilities Business Manager, came forward to state that due to water conservation efforts by customers and wet weather, the Water Dept. is un-appropriating $3.3 million of projects because there is insufficient cash to pay for them.

Thomas Shafer, Public Works & Utilities, came forward to answer questions about projects & significant money in reserve. He supplied the following information: the Coddington project scope changed & district impact fees exceeded expectations; the Adams project received good bids & was funded by highway allocation bonds; savings in other projects allowed North 1st Street to be completed.

This matter was taken under advisement.

AMENDING SECTION 2.76.155 OF THE LINCOLN MUNICIPAL CODE, COMPENSATION PLAN: LONGEVITY PAY, FOR EMPLOYEES IN THE PAY RANGE PREFIXED BY THE LETTER "E" TO BE EFFECTIVE AUGUST 18, 2011;

AMENDING SECTION 2.76.395 OF THE LINCOLN MUNICIPAL CODE, VACATION LEAVE WITH PAY, FOR PART-TIME AND UNREPRESENTED EMPLOYEES TO COINCIDE WITH THE CIR ORDER FOR EMPLOYEES IN PAY RANGES FOR "N" AND "X" TO BE RETROACTIVELY EFFECTIVE AUGUST 19, 2010;

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGES OF "A" AND "C" TO BE EFFECTIVE AUGUST 18, 2011;

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE OF "B" TO BE EFFECTIVE AUGUST 18, 2011;

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE OF "E" TO BE EFFECTIVE AUGUST 18, 2011 - Mark Koller, Personnel Director, came forward to answer questions. He said there are about a dozen non-represented employees affected in the B range. He said a mistake in the CIR order affecting N and X ranges was adjusted from 82 hrs. to 162 hrs. Employees in A and C range had a wage adjustment of 1.5% increase in the 2nd yr. of the contract. The B range adjustment provides 2.5% in the 2nd yr. Mr. Koller said B employees will have a 1.5% pay increase which coincides with LCEA adjustment.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA ON BEHALF OF THE UNMC COLLEGE OF DENTISTRY TO PROVIDE CLINICAL TRAINING FOR DENTAL AND DENTAL HYGIENE STUDENTS AT THE HEALTH DEPARTMENT FOR A TERM OF JULY 1, 2011 THROUGH JUNE 30, 2014 - Judy Halstead, Director of Health Department, came forward to answer questions about the three-year agreement. She said last year
their department benefitted from 32 dental students and 20 dental hygiene students who worked and saw patients in their clinic. Ms. Halstead expressed appreciation for the relationship with the dental college.

This matter was taken under advisement.

ESTABLISHING A NEW SCHEDULE FOR WATER USE CHARGES TO INCREASE REVENUES FOR THE LINCOLN WATER SYSTEM FOR PURPOSES OF COVERING A PORTION OF THE SYSTEM’S OPERATIONAL AND MAINTENANCE COSTS INCLUDING DEBT SERVICE, AND A PORTION OF THE COSTS OF THE CAPITAL IMPROVEMENTS PROGRAM FOR FY 2011-12;

ESTABLISHING A NEW SCHEDULE FOR WASTEWATER USE CHARGES TO INCREASE REVENUES FOR THE LINCOLN WATER SYSTEM FOR PURPOSES OF COVERING A PORTION OF THE SYSTEM’S OPERATIONAL AND MAINTENANCE COSTS INCLUDING DEBT SERVICE, AND A PORTION OF THE COSTS OF THE CAPITAL IMPROVEMENTS PROGRAM FOR FY 2011-12 - Fran Mejer, Public Works & Utilities Business Manager, came forward to state the Lincoln Water System is requesting a 5% rate increase to support the FY 2011-12 budget. She said this equates to a 94 cent monthly increase to an average water customer. In addition, the Lincoln Wastewater System is requesting a 5% increase to support its FY 2011-12 budget. She said this amounts to an 87 cent monthly increase to an average customer. She presented a table charting that Lincoln has the lowest rates in comparison to local, regional and national levels.

Greg MacLean, Director of Public Works & Utilities, came forward to clarify that in the 1980’s - 1990’s in anticipation of a major system improvement at the Ashland plant, Council approved a series of rate increases to build up a fund to cover the cost of plant expansion. Upon completion of the project and being under its anticipated cost, a cash reserve resulted. Mr. MacLean said as the cash reserve dwindled, there were no rate increases for 10 years. He said the 5% increase is merely to maintain the existing system and be sustainable.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JULY 25, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JULY 28, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JUNE 30, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86436

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended June 30, 2011, $227,099.89 was earned from the investments of “IDLE FUNDS”. The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jon Camp

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, AUGUST 22, 2011 AT 3:00 P.M. FOR THE APPLICATION OF TOWERS EVENT CENTER, INC. DBA THE TOWERS EVENT CENTER FOR A CLASS I LIQUOR LICENSE LOCATED AT 6891 A ST., SUITE 111 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86437

BE IT RESOLVED by the City Council of the City of Lincoln, that a hearing date is hereby set for Monday, August 22, 2011, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555
S. 10th St., Lincoln, NE for the Application of Towers Event Center, Inc dba The Towers Event Center for a Class I liquor license located at 6891 A St., Suite 111.

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, Kakridge, Hornung, Snyder; NAYS: None.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

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

APPROVING THE CLOSE OUT OF COMPLETED CONSTRUCTION PROJECTS AND TRANSFER OF UNSPENT APPROPRIATIONS AND CASH (IF ANY) FROM VARIOUS PROJECTS TO PROJECTS WHERE ADDITIONAL FUNDING IS NEEDED WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND 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 Water Construction Fund, Sanitary Sewer Construction Fund, and Street Construction Fund for the Public Works & Utilities Department and within the Capital Projects Fund for the Parks & Recreation Department, the second time.

AMENDING SECTION 2.76.155 OF THE LINCOLN MUNICIPAL CODE, COMPENSATION PLAN: LONGEVITY PAY, FOR EMPLOYEES IN THE PAY RANGE PREFIXED BY THE LETTER "E" TO BE EFFECTIVE AUGUST 18, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 2.76.155 of the Lincoln Municipal Code to revise the longevity pay for employees in pay ranges prefixed by the letter "E"; and repealing Section 2.76.155 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.76.395 OF THE LINCOLN MUNICIPAL CODE, VACATION LEAVE WITH PAY, FOR PART-TIME AND UNREPRESENTED EMPLOYEES TO COINCIDE WITH THE CIR ORDER FOR EMPLOYEES IN PAY RANGES FOR "N" AND "X" TO BE RETROACTIVELY EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 2.76.395 of the Lincoln Municipal Code relating to Compensation Plan; Vacation Leave with Pay to provide that part-time and unrepresented employees coincide with the CIR order for "N" and "X" pay range employees; making the changes retroactively effective August 19, 2010; and repealing Section 2.76.395 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGES OF "A" AND "C" TO BE EFFECTIVE AUGUST 18, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, 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 letters "A," and "C"; and repealing Ordinance No. 18967, passed by the City Council on August 6, 2007, the second time.

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE OF "B" TO BE EFFECTIVE AUGUST 18, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, adopting pay schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "B"; and repealing Ordinance No. 18968, passed by the City Council on August 6, 2007, the second time.

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE OF "E" TO BE EFFECTIVE AUGUST 18, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, adopting pay
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. 19451, passed by the City Council on September 20, 2010, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASHER COUNTY HEALTH DEPARTMENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA ON BEHALF OF THE UNMC COLLEGE OF DENTISTRY TO PROVIDE CLINICAL TRAINING FOR DENTAL AND DENTAL HYGIENCE STUDENTS AT THE HEALTH DEPARTMENT FOR A TERM OF JULY 1, 2011 THROUGH JUNE 30, 2014 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-86438

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

That the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and the University of Nebraska Board of Regents, on behalf of the UNMC College of Dentistry, for the clinical training of dental and dental hygiene students at the Health Department, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, for a term of July 1, 2011 through June 20, 2014, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

Introduced by Jayne Snyder

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

ESTABLISHING A NEW SCHEDULE FOR WATER USE CHARGES TO INCREASE REVENUES FOR THE LINCOLN WATER SYSTEM FOR PURPOSES OF COVERING A PORTION OF THE SYSTEM’S OPERATIONAL AND MAINTENANCE COSTS INCLUDING DEBT SERVICE, AND A PORTION OF THE COSTS OF THE CAPITAL IMPROVEMENTS PROGRAM FOR FY 2011-12 - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-86439

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

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

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

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

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

Effective with the "H" billing cycle commencing in November 2011, 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.

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

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

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

The monthly Service Charge shall be as 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:

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

191.1 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:
- 127.6 cents per 100 cubic feet for water usage less than base to 5% above base.
- 132.3 cents per 100 cubic feet for water usage 5% - 15% above base.
- 136.5 cents per 100 cubic feet for water usage 15% - 25% above base.
- 140.7 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>WATER METER SERVICE CHARGE FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 inch</td>
<td>$3.42</td>
</tr>
<tr>
<td>3/4 inch</td>
<td>$3.42</td>
</tr>
<tr>
<td>1 inch</td>
<td>$3.42</td>
</tr>
<tr>
<td>1-1/2 inch</td>
<td>$6.84</td>
</tr>
<tr>
<td>2 inch</td>
<td>$13.66</td>
</tr>
<tr>
<td>3 inch</td>
<td>$30.73</td>
</tr>
<tr>
<td>4 inch</td>
<td>$54.64</td>
</tr>
<tr>
<td>6 inch</td>
<td>$122.88</td>
</tr>
<tr>
<td>8 inch</td>
<td>$218.51</td>
</tr>
<tr>
<td>10 inch</td>
<td>$341.39</td>
</tr>
</tbody>
</table>

The Service Charge for a multiple dwelling unit or mobile home shall be at least $2.10 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 $3.42 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-85979, adopted by the City Council on August 23, 2010, is hereby superseded.

Establishing a New Schedule for Wastewater Use Charges to Increase Revenues for the Lincoln Water System for Purposes of Covering a Portion of the System’s Operational and Maintenance Costs Including Debt Service, and a Portion of the Costs of the Capital Improvements Program for FY 2011-12

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

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

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

And WHEREAS, Lincoln’s wastewater rates have historically remained low, and even with the proposed rate increases will continue this tradition of competitive rates within the region and nationally.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

Effective with the "H" billing cycle commencing in November 2011 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 185.9 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>$1.50</td>
</tr>
<tr>
<td>3/4 inch</td>
<td>1.00</td>
</tr>
<tr>
<td>1 inch</td>
<td>1.50</td>
</tr>
<tr>
<td>1-1/2 inch</td>
<td>3.00</td>
</tr>
<tr>
<td>2 inch</td>
<td>6.01</td>
</tr>
<tr>
<td>3 inch</td>
<td>13.51</td>
</tr>
<tr>
<td>4 inch</td>
<td>24.03</td>
</tr>
<tr>
<td>6 inch</td>
<td>94.09</td>
</tr>
<tr>
<td>8 inch</td>
<td>196.14</td>
</tr>
<tr>
<td>10 inch</td>
<td>150.22</td>
</tr>
</tbody>
</table>

The minimum service charge for a multiple dwelling unit or a mobile home shall be at least $0.89 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 $1.50 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-85973, adopted by the City Council on August 23, 2010, is hereby superseded.

Introduced by Jayne Snyder

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

**ORDINANCES - 1st READING & RELATED RESOLUTIONS (as required)**

**CHANGE OF ZONE 11025 - AMENDING SECTION 27.35.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED USES IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT TO PROHIBIT SEXUALLY ORIENTED LIVE ENTERTAINMENT ESTABLISHMENTS IN ALL AREAS OF THE B-4 ZONING DISTRICT**

CLERK read an ordinance, introduced by Jon Camp, amending Section 27.35.020 of the Lincoln Municipal Code relating to Permitted Uses in the
B-4 Lincoln Center Business District to prohibit sexually oriented live entertainment establishments in all areas of the B-4 zoning district, and repealing Section 27.35.020 of the Lincoln Municipal Code as hitherto existing, the first time.

COMP. PLAN CONFORMANCE 11007 - DECLARING APPROXIMATELY 2.5 ACRES OF PREVIOUSLY VACATED PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTH 14TH STREET AND MANATT STREET AS SURPLUS AND AUTHORIZING THE SALE THEREOF. (RELATED ITEMS: 11-121, 11-122, 11R-191) (ACTION DATE: 8/22/11) - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 2.5 acres of City owned property generally located at the southwest corner of North 14th Street and Manatt Street as surplus, the first time.

VACATION 11008 - VACATING NORTH 13TH STREET FROM MANATT STREET SOUTH TO THE NORTH LINE OF VACATED NORTH 13TH STREET; VACATING HARTLEY STREET FROM THE WEST RIGHT-OF-WAY LINE OF NORTH 14TH STREET TO THE EAST RIGHT-OF-WAY LINE OF NORTH 13TH STREET; AND VACATING THE EAST-WEST ALLEY FROM THE WEST RIGHT-OF-WAY LINE OF NORTH 14TH STREET TO THE EAST RIGHT-OF-WAY LINE OF NORTH 13TH STREET, GENERALLY LOCATED AT NORTH 13TH STREET AND HARTLEY STREET. (RELATED ITEMS: 11-121, 11-122, 11R-191) (ACTION DATE: 8/22/11) - CLERK read an ordinance, introduced by Jon Camp, vacating North 13th Street from the south right-of-way line of Manatt Street south to the north right-of-way line of vacated North 13th Street; vacating Hartley Street from the east right-of-way line of North 13th Street east a distance of 253 feet; and vacating the east-west alleys in Blocks 17 and 39, Lincoln Heights Addition, each from the east right-of-way line of North 13th Street east a distance of 253 feet, generally located at North 13th Street and Hartley Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY SCHOOL DISTRICT 001 FOR THE SALE AND/OR EXCHANGE OF PROPERTY RELATED TO THE VACATION AND SURPLUS OF PROPERTY GENERALLY LOCATED AT N. 13TH STREET AND MANATT STREET. (RELATED ITEMS: 11-121, 11-122, 11R-191) (ACTION DATE: 8/22/11)

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

CHANGE OF ZONE 11024 - APPLICATION OF SOUTHVIEW INC. FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO B-2 PLANNED UNIT DEVELOPMENT ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVENUE; APPROVING A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION; APPROVING A DEVELOPMENT PLAN TO DEVELOP 198,825 SQ. FT. OF COMMERCIAL FLOOR AREA AND 565 DWELLING UNITS; AND APPROVING A WAIVER TO ALLOW ADMINISTRATIVE AMENETMENTS - CLERK read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

HORNUNG Moved to pass the ordinance as read.

Cook, Emery, Ekrkidge, Hornung, Snyder; NAYS: None.

The ordinance, being numbered #19588, is recorded in Ordinance Book #27, Page .

AMENDING ORDINANCE NO. 17366 PASSED JUNE 29, 1998, AND ORDINANCE NO. 18214 PASSED AUGUST 4, 2003, FOR THE WIDENING AND RECONSTRUCTION OF OLD CHENEY ROAD FROM NEBRASKA HIGHWAY 2 TO APPROXIMATELY 1,450 FEET EAST OF SOUTH 84TH STREET TO REMOVE DESIGN REQUIREMENTS FOR RAISED MEDIANS AND RIGHT TURN LANES. (5/2/11 - Action delayed 1 wk w/P.H. on 5/9/11) (5/9/11 - Placed on Indefinite Pending) (6/20/11 - Remove from Pending to have P.H. 7/25 with Action on 8/1/11) (7/25/11 - P.H. con't. 1 wk to 8/1/11 w/Action 8/8/11) - PRIOR to reading:

HORNUNG Moved approval of Bill No. 11-47 originally introduced by Eugene Carroll.

Cook Moved to amend Bill No. 11-47 by accepting the attached Substitute Ordinance Bill No. 11-47S, to replace the current ordinance.

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

HORNUNG Moved MTA #2 to amend Bill No. 11-47S as follows:
1. On page 2, line 10, delete "right turn lane".
2. On page 2, line 12, delete "and insert in lieu thereof 16 lanes"
3. On page 2, line 15, delete ", as well as 12 foot wide right Turn lanes"
4. On page 3, line 17, delete "108" and insert in lieu thereof 102
EMERY Moved a friendly amendment to MTA #2 to strike items 2, 4 and 5 but leave items 1 and 3.

HORNUNG Accepted. The amendment to MTA #2 was carried by the following vote: AYES: Cook, Emery, Eskridge, Snyder; NAYS: Camp, Carroll, Hornung.

EMERY Proposed. Final vote to amended MTA #2 was carried by the following: AYES: Cook, Emery, Eskridge, Hornung, Snyder; NAYS: Camp, Carroll.

CAMP Moved to amend Bill No. 11-478 to delete the sidewalk on the south side of Old Cheney.

CLERK Read a substitute ordinance, introduced by Jonathan Cook, amending Ordinance No. 17366 and Ordinance No. 18214, which in part authorized and directed the Department of Public Works and Utilities to proceed with the preparation of detailed plans and specifications for the widening, reconstruction, and improvement of Old Cheney Road from Nebraska Highway 2 to South 84th Street; to acquire necessary rights-of-way and easements relating thereto; and to proceed with construction thereof, the third time.

COOK Moved to pass the substitute ordinance as amended. Seconded by Snyder & carried by the following vote: AYES: Cook, Emery, Eskridge, Hornung, Snyder; NAYS: Camp, Carroll.

APPROVING AN AMENDMENT TO THE BOND ORDINANCE FOR THE CITY OF LINCOLN HAYMARKET HOTEL/TOOL HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE AND AMEND THE TOTAL NOT TO EXCEED AMOUNT TO $3,015,000 (RELATED ITEMS 11-106, 11R-168) (ACTION DATE: 8/8/11) - CLERK read an ordinance, introduced by Adam Hornung, amending Ordinance No. 19403 to (a) increase the authorized principal amount of bonds to $2,633,000, and (b) modify the final maturity date of the bonds; to repeal certain provisions of Ordinance No. 19403, in connection therewith; taking other action in connection with the foregoing; and related matters, the third time.

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

APPROVING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR THE CITY OF LINCOLN HAYMARKET HOTEL/TOOL HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE AND TO AMEND THE TOTAL NOT TO EXCEED AMOUNT TO $3,015,000. (RELATED ITEMS 11-106, 11R-168) (ACTION DATE: 8/8/11) - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86441

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

That the attached Amendment No. 1 to the City of Lincoln Redevelopment Agreement, (Haymarket Hotel and Tool House Redevelopment) between the City of Lincoln and B&J Partnership, Ltd., to establish the Effective Date of the Ad Valorem Tax Provision, to increase the amount of the TIF Bonds to be issued based upon the tax increment revenues which will be available from construction of the Private Improvements and Optional Private Improvements, and to clarify that TIF proceeds shall be used to reimburse Redeveloper for the construction of Public Improvements, Public Enhancements, and certain Private Improvements and Optional Private Improvements, upon the terms and conditions set forth in said Amendment No. 1 to the Redevelopment Agreement, 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.

The City Clerk is directed to transmit one fully executed original of said Agreement to Rick Peo, Chief Assistant City Attorney, for transmittal to the parties.

Introduced by Adam Hornung

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

APPROVING AN AMENDMENT TO THE BOND ORDINANCE FOR THE CITY OF LINCOLN BLOCK 38 REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE (RELATED ITEMS 11-107, 11R-169) (ACTION DATE: 8/8/11) - CLERK read an ordinance, introduced by Adam Hornung, amending Ordinance No. 19473 to modify the
final maturity date of the bonds; to repeal certain provisions of Ordinance No. 19473, in connection therewith, taking other action in connection with the foregoing; and related matters, the third time.

HORNUNG Moved to pass the ordinance as read.

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

The ordinance, being numbered #19591, is recorded in Ordinance Book #27.

APPROVING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR THE CITY OF LINCOLN BLOCK 38 REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE. (RELATED ITEMS 11-107, 11R-169) (ACTION DATE: 8/8/11) - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86442
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Amendment No. 1 to the Block 38 Redevelopment Agreement between the City of Lincoln and Block 38 LLC, to establish the Effective Date of the Ad Valorem Tax Provision, upon the terms and conditions set forth in said Amendment No. 1 to the Redevelopment Agreement, 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.

The City Clerk is directed to transmit one fully executed original of said Agreement to Rick Peo, Chief Assistant City Attorney, for transmittal to the parties.

Introduced by Adam Hornung

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

APPROVING AN AMENDMENT TO THE BOND ORDINANCE FOR THE CITY OF LINCOLN TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE AND AMEND THE TOTAL NOT TO EXCEED AMOUNT TO $651,000 (RELATED ITEMS 11-108 11R-170) (ACTION DATE: 8/8/11) - PRIOR to reading:

HORNUNG Moved MTA #1 to amend Bill No. 11-108 by accepting the attached Substitute Ordinance, Bill No. 11-108S, to replace the current ordinance.

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

CLERK Read a substitute ordinance, introduced by Adam Hornung, amending Ordinance No. 19498 to (a) increase the authorized principal amount of bonds to $651,000, and (b) modify the final maturity date of the bonds; to repeal certain provisions of Ordinance No. 19498, in connection with the foregoing; and related matters, the third time.

HORNUNG Moved to pass the substitute ordinance as read.

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

The ordinance, being numbered #19592, is recorded in Ordinance Book #27.

APPROVING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR THE CITY OF LINCOLN TELESIS/DAIRY HOUSE REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE AND TO AMEND THE TOTAL NOT TO EXCEED AMOUNT TO $651,000. (RELATED ITEMS 11-108 11R-170) (ACTION DATE: 8/8/11) - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86443
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Amendment No. 1 to the City of Lincoln Redevelopment Agreement (Telesis/Dairy House Project) between the City of Lincoln and The Dairy House, LLC, to establish the Phase One and Phase Two Effective Dates of the Ad Valorem Tax Provision, to increase the amount of the TIF Bonds to be issued based upon the tax increment revenues which will be available from construction of the Private Improvements for each phase of the Project and to clarify that the TIF proceeds shall be used to reimburse the Redeveloper for the construction of certain Redeveloper Public Improvements, upon the terms and conditions set forth in said Amendment No. 1 to the Redevelopment Agreement, 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.

The City Clerk is directed to transmit one fully executed original of said Agreement to Rick Peo, Chief Assistant City Attorney, for transmittal to the parties.

Introduced by Adam Hornung

Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.
APPROVING AN AMENDMENT TO THE BOND ORDINANCE FOR THE CITY OF LINCOLN NORTH HAYMARKET HOTEL REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE (RELATED ITEMS 11-109 11R-171) (ACTION DATE: 8/8/11) - PRIOR to reading:

HORNUNG Moved MTA #1 to amend Bill No. 11-109 by accepting the attached Substitute Ordinance, Bill No. 11-109S, to replace the current ordinance. Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

CLERK Read a substitute ordinance, introduced by Adam Hornung, amending Ordinance No. 19510 to modify the final maturity date of the bonds; to repeal certain provisions of Ordinance No. 19510, in connection therewith; taking other action in connection with the foregoing; and related matters, the third time.

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

The ordinance, being numbered #19593, is recorded in Ordinance Book #27, Page .

APPROVING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR THE CITY OF LINCOLN NORTH HAYMARKET HOTEL REDEVELOPMENT PROJECT IN DOWNTOWN LINCOLN TO ALLOW FOR A CHANGE IN THE EFFECTIVE DATE. (RELATED ITEMS 11-109 11R-171) (ACTION DATE: 8/8/11) - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

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

That the attached Amendment No. 1 to the City of Lincoln Redevelopment Agreement (North Haymarket Hotel Phase II) between the City of Lincoln and Block 21, LLC, to establish the Effective Date of the Ad Valorem Tax Provision and to clarify that TIF proceeds shall be used to reimburse the Redeveloper for the construction of certain Public Improvements, upon the terms and conditions set forth in said Amendment No. 1 to the Redevelopment Agreement, 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.

The City Clerk is directed to transmit one fully executed original of said Agreement to Rick Peo, Chief Assistant City Attorney, for transmittal to the parties.

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

OPEN MICROPHONE - NONE

TOOK BREAK 3:02 P.M. RECONVENGED 3:10 P.M.

ONE AND SIX YEAR STREET & HIGHWAY PROGRAM

Council Chair Carroll: This Public Hearing is held each year to fulfill State Statutory Requirements for the One and Six Year Streets and Highways Program and also serves as the Public Hearing for the City’s Capital Improvements Program. It should be noted that the C.I.P. is a funding document only. The One Year Program lists projects proposed for final design, right-of-way acquisition, construction or study during fiscal year 2012. The second through sixth year (FY 2013-2017) program lists those projects which are in some phase of development or will enter the street planning process. The program was identified on the Public Hearing Notice, advertised in the Lincoln Journal Star on Sunday, July 17th, 2011 plus being placed on the City’s website and on Channels 5 and 10.

Citizens have 10 days from today to submit any statements or exhibits to the Public Works Department. Therefore, all statements and exhibits received on or before, August 18th, 2011 will become a part of the Public Hearing Record. These statements should be forwarded to Roger Figard, City Public Works Department, Engineering Services, 901 West Bond Street / Suite 100, Lincoln, Nebraska 68521.

The information received will be evaluated by the Public Works Department, and subsequently by the City Council. Final action will be taken by City Council resolution adopting the first year of the C.I.P. budget.

The State Statutory Requirement ensures that an integrated system of public roads is provided for the general welfare of the State, Counties and Municipalities. The program is administered by the State Board of Public Roads Classifications and Standards.
Our proposed MPO annual report and the Capital Improvement Program for fiscal years 2012 thru 2017 reflects an average annual expenditure of nearly $25.07 million dollars. This average annual expenditure is comprised of $16.43 million dollars of City Revenues, $5.89 million in Federal Aid and $2.75 million in other funds (Includes State/Federal, Train Mile Tax, and Railroad Transportation Safety District).

This FY 2012 thru 2017 Streets and Highways Program, which is also the C.I.P., was earlier voted on by the Planning Commission on May 18th, 2011.

2011-2012 MAYOR’S RECOMMENDED ANNUAL OPERATING BUDGET & CAPITAL IMPROVEMENT PROGRAM 2011/12 - 2016/17

City Clerk Rose: As part of the Mayor’s proposed budget, the budget also proposes to take the following action allowed by LB 989 as passed by the 1998 Nebraska State Legislature.

1. The Mayor’s Recommended Budget anticipates the use of allowable growth, if any, in the tax base above the 2.5% already provided by LB 989 for improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation, and any personal property valuation over the prior year. This change is estimated as an increase of 0.58% pending certification of final valuations from the County Assessor’s office. It is the City’s intention to utilize the final percentage change or the 2.5% increase, whichever is greater, provided for by the certified final valuations, to increase the restricted funds base and to utilize various other lid exemptions provided in LB 989. An additional 1% of lid authority can be authorized by a super majority (5) vote of the City Council. It is the Administration’s intention to ask for this additional authority in the final budget resolution.

2. The city intends to carryover all unused restricted fund authority from prior and current fiscal years as well as any unused restricted fund authority from the 2010-11 budget to future fiscal years. This unused restricted fund authority is estimated at up to $13,000,000 but depends upon final completion of lid documents to be filed with the State Auditor’s Office. It is the City’s intention to carryover all unused restricted funds authority as determined by final completion of the forms.

THE FOLLOWING ORDINANCES & RESOLUTION WILL HAVE PUBLIC HEARING ON 8/8/11, AT 2:30 P.M. IMMEDIATELY FOLLOWING THE REGULAR COUNCIL MEETING

(Assion Dates Are Indicated for Each Item)

ADOPTING THE 2011/12 CITY OF LINCOLN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FY 2016/17. (Action Date: 8/22/11)

AMENDING CHAPTER 10.44.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO AUTOMOBILE IMPOUNDMENT BY CLARIFYING THAT TOWING FEES PAYABLE TO THE CITY SHALL BE IMPOSED ONLY ON VEHICLES ORDERED TO BE TOWED BY A POLICE OFFICER OR PARKING CONTROL OFFICER AND THAT SUCH FEE SHALL BE WAIVED ON VEHICLES SOLD AT AUCTION, AND AMENDING SECTION 10.44.040 TO PROVIDE THAT IMPOUNDMENT FEES SHALL BE PLACED IN THE GENERAL FUND. (To have P.H./2nd Reading 8/8; Action on 8/10/11) - CLERK read an ordinance, introduced by Jayne Snyder, amending Chapter 10.44 of the Lincoln Municipal Code relating to Automobile Impoundment by amending Section 10.44.030 of the Lincoln Municipal Code relating to automobile impoundment by clarifying that towing fees payable to the city that are enacted by resolution of the City Council shall be imposed only upon vehicles ordered to be towed by a police officer or parking control officer because of parking, ordinance or statutory violations and that such fees shall be waived on vehicles sold at auction; amending Section 10.44.040 to provide that the City Treasurer shall place city impoundment fees in the City General Fund; and repealing Sections 10.44.030 and 10.44.040 of the Lincoln Municipal Code as hitherto existing, the second time.

ESTABLISHING A CITY TOWING FEE OF $50.00 PURSUANT TO LINCOLN MUNICIPAL CODE SECTION 10.44.030. (To have P.H./2nd Reading 8/8; Action on 8/10/11)

AMENDING CHAPTER 3.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE STREET IMPROVEMENT VEHICLE TAX BY AMENDING SECTION 3.20.220 TO PHASE OUT PAYMENTS TO THE SNOW REMOVAL FUND AND REVISE AMOUNTS CREDITED TO THE CONSTRUCTION FUND, THE
REGULAR MEETING
August 8, 2011
Page 422

RESIDENTIAL REHABILITATION FUND, AND THE VEHICLE TAX RESIDUAL FUND AND AMENDING SECTION 3.20.230 TO INCREASE THE FEE SCHEDULE FOR THE STREET IMPROVEMENT VEHICLE TAX. (To have P.H./2nd Reading #/8; Action on 8/10/11) - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 3.20.230 of the Lincoln Municipal Code relating to the Street Improvement Vehicle Tax by amending Section 3.20.220 to phase out payments to the Snow Removal Fund and revise amounts credited to the Construction Fund, the Residential Rehabilitation Fund, and the Vehicle Tax Residual Fund; amending Section 3.20.230 to increase the fee schedule for the street improvement vehicle tax; and repealing Sections 3.20.220 and 3.20.230 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 10.06.120 OF THE LINCOLN MUNICIPAL CODE RELATING TO PAYMENT OF FINES AND COSTS FOR PARKING VIOLATIONS BY ALLOWING A ONE DOLLAR DISCOUNT OF THE ADMINISTRATIVE FEE FOR WAIVING ARRAIGNMENT AND RIGHT TO A HEARING AND PAYING FINES AND COSTS FOR MAKING ONLINE PAYMENTS, AND INCREASING THE ADMINISTRATIVE FEE FOR LATE PAYMENT OF PARKING VIOLATIONS FROM $8.00 TO $23.00. (To have P.H./2nd Reading #/8; Action on 8/10/11) - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 10.06.120 of the Lincoln Municipal Code relating to payment of fines and costs for parking violations by providing a one dollar discount for online payment to the administrative fee for waiver of arraignment and right to a hearing and entry of a plea of guilty, and increasing the administrative fee to $23.00 if payment is not made within seven days after a complaint is served; and repealing Section 10.06.120 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 4.24.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POWERS AND DUTIES OF THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD TO PROVIDE THAT THE CITY SHALL BE ENTITLED TO A DIVIDEND FOR UTILITY OWNERSHIP OF THE LINCOLN ELECTRIC SYSTEM IN AN AMOUNT EQUIVALENT TO TWO AND FOUR-TENTHS PERCENT (2.4%) OF THE EQUITY OF THE LINCOLN ELECTRIC SYSTEM UNTIL SUCH TIME AS THE DOLLAR AMOUNT OF THE DIVIDEND EXCEEDS SEVEN MILLION DOLLARS ($7,000,000.00.), THEREAFTER INCREASING ANNUALLY BY TWO PERCENT (2.0%) OR BY THE AMOUNT BY WHICH THE CONSUMER PRICE INDEX ALL URBAN CONSUMERS INCREASES DURING THE YEAR IN QUESTION, WHICHEVER IS GREATER; TO PROVIDE THAT THE LINCOLN ELECTRIC SYSTEM SHALL REMIT SUCH DIVIDEND FOR UTILITY OWNERSHIP TO THE CITY; AND TO AUTHORIZE THE LINCOLN ELECTRIC SYSTEM BOARD TO COLLECT FOR THE DIVIDEND FOR UTILITY OWNERSHIP ON ELECTRIC SERVICE STATEMENTS OF LINCOLN ELECTRIC SYSTEM CUSTOMERS. (To have P.H./2nd Reading #/8; Action on 8/10/11) - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 4.24.070 of the Lincoln Municipal Code relating to the Powers and Duties of the Lincoln Electric System Administrative Board to provide that the City shall be entitled to a dividend for utility ownership of the Lincoln Electric System in an amount equivalent to two and four-tenths percent (2.4%) of the equity of the Lincoln Electric System until such time as the dollar amount of the dividend exceeds seven million dollars ($7,000,000.00), thereafter increasing annually by two percent (2.0%) or by the amount by which the Consumer Price Index All Urban Consumers increases during the year in question, whichever is greater; to provide that the Lincoln Electric System shall remit such dividend for utility ownership to the City; and to authorize the Lincoln Electric System Board to collect for the dividend for utility ownership on electric service statements of Lincoln Electric System customers, the second time.

PUBLIC HEARING

Rick Hoppe, Mayor’s Chief of Staff, came forward to briefly identify five legislative matters before Council today. Tom Casady, Director of Public Safety, came forward to explain the rationale behind the establishment of a $50 towing fee imposed on people who have committed a violation of the law or vehicles found in violation. Greg MacLean, Director of Public Works & Utilities, came forward in support of providing new funds for road construction. David Landis, Director of Urban Development, came forward to discuss changes in parking fines. Don Herz, Finance Director, came forward to speak about the legislative proposal to allow the City to be entitled to a dividend from the Lincoln Electric System. The calculation is 2.4% of LES’s net worth as of December 31, 2010, yielding a dividend of $6,290,000. Mr. Hoppe came forward to answer Council questions. He said the property tax increase on an average $150,000 house results in $42 annually/$3.50 monthly. He clarified other increased fees in various departments.
Kevin Wailes, Administrator & CEO of Lincoln Electric System, came forward to answer questions. He said their budget process is not finished at this time but to recover costs of the City’s dividend outside the normal rate structure, it will be a separate line item on a customer bill.

Lois A. Newman, 601 S. 18th St., Apt. 303, came forward in opposition to reduced StarTran service. She said not everyone has family to depend on and cab wait times & fares have increased. Being visually impaired, she relies on bus service to maintain independence during the week and on weekends. Ms. Slobaszewski suggested an increase to the Husker game ride fee.

Sheryal Slobaszewski, 6511 Vine St., #123, came forward in opposition to reduced StarTran service. She said it is a much needed service.

Kathy Johnston, 601 S. 18th St., Apt. 303, came forward in opposition to reduced StarTran service. She said she would be willing to pay $10 rather than $7.50.

Pat Schreurs, 1735 S. 13th St., came forward in opposition to reduced StarTran service. She works evenings & weekends and is willing to pay extra if needed.

Stephen Speicher, 421 S. 9th St., #205, StarTran Advisory Board member, came forward in opposition to reduced StarTran service. He reminded Council that a home football game is worth more than the sum of the face value of the stadium tickets; henceforth, there are economic ripples. He suggested a UNL study to enlighten the value of city transportation.

Diane Kimble, 110 Q St., #281, came forward as a 21-yr. bus rider who is in opposition to reduced StarTran service. She suggested a package deal for low income families and a change to the fares for children.

Sharon Johnson, 2511 N. 49th St., Apt. 6, came forward in opposition to reduced StarTran service. She said she would be willing to pay $10 rather than $7.50.

Pat Schreurs, 1735 S. 13th St., came forward in opposition to reduced StarTran service. She works evenings & weekends and is willing to pay extra if needed.

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Pat Schreurs, 1735 S. 13th St., came forward in opposition to reduced StarTran service. She works evenings & weekends and is willing to pay extra if needed.
Lynn Darling, 2601 SW 23rd St., came forward as a fifth generation Lincolnite requesting that the budget be cut from the top down.

Ed Swotek, 5340 W. McKelvie Rd., came forward representing Downtown Lincoln Association in support of the amendment to parking citation fines. In response to Council questions, Mr. Swotek said DLA is in favor of phasing in an appropriate electronic meter system for downtown, as fewer people carry change today.

Roger Dodson, 2941 S. 26th St., came forward as a member of the Board of Trustees of the Lincoln Parks Foundation to state that families/individuals of every age enjoy spending time in Lincoln’s 125 parks, 128 miles of trails, 9 swimming pools, 6 rec centers, 5 public golf courses, Pioneers Park Nature Center & award winning public gardens. He said over the last five years, the Parks & Recreation budget has been stripped of $2 million and cannot sustain continued deterioration and funding.

Dr. Bryan Vandeun, 8940 S. 28th St., came forward to speak about city issues and asked Council to make the tough decisions. He said the dividend from LES is from the citizen.

Deloris Malone, 4919 Judson St., came forward as a senior citizen in opposition to an increase in property taxes.

Judy Smith, 4940 S. 54th St., came forward to encourage Council to question dollar figures spent on projects.

Nancy Russell, 3710 P St., came forward to request Council to question line items in the budget and determine if some areas could be privatized. She said if 40% of children in public schools receive free or reduced-price lunches, it is an indicator that Lincoln is hurting.

Joanne Elliott, 7632 Phares Dr., came forward representing 270 people who are concerned about raising taxes. She said 50% of every dollar she makes goes to a government entity. Instead of attacking the basics, she instructed Council to cut spending.

Jeremy Jensen, 6733 Platte Ave., came forward to state that as a former licensed real estate agent, 9 out of 10 families he met with cited high property taxes as the biggest reason they chose to live in another community. He suggested that many services be privatized.

Lois Haupt, 4212 Knox St., came forward as a member of University Place Community Organization Board representing the Lincoln Neighborhood Alliance in favor of increasing fees & raising property taxes to rebuild, maintain and improve city services.

John Baylor, 2736 Van Dorn, came forward representing the StarTran Advisory Board to present transportation savings by cutting services two hours and using a dead-head policy. As a volunteer board member of LIBA, he said the property tax rate does not need to be increased. If increased, it relaxes budgetary discipline. Mr. Baylor shared items in the Mayor’s Budget that LIBA supports: cost shifts to LES; closing Fire Station 11; absorption of the position of Finance Director to the Budget Officer; library reorganization; increase to Parks & Recreation Dept. 

Ron Ecklund, 800 Danville Cir., came forward in opposition to the wheel tax increase as it is a significant increase to his business with a whole fleet of vehicles. He is in opposition to raising property taxes. He advised Council to look at other revenue increases and shared those ideas.

Michael Werner, 10220 East Oak View Circle, came forward as Mayor of Waverly to speak on behalf of 3,300 residents in his community expressing opposition to the LES rate increase. He asked Council to consider the fact that Waverly will not benefit from the generated revenue so he offered options that would appear more fair to the residents of his city.

Council Member Emery responded to Mayor Werner and suggested further discussion in a big, round global sense to decide what is fair & equitable for both sides.

Doug Rix, 6601 N. 148th St., City Administrator of Waverly, came forward to ask if Lincoln residents would be interested in paying for Waverly street lighting.

Tammy Buffington, 5318 Bancroft Ave., came forward representing a group of people in opposition to an increase in taxes. She said when running her campaign for Mayor, the deficit was at $6.3 million; it is now at $9.6 million. She questioned its increase and accounting; expressed concern about union wages; and requested that the budget vote be delayed until September 12.
Roy Christensen, 820 Cottonwood Dr., came forward as a small businessman to speak on behalf of his son who is a 27 year-old military man with a family who has experienced adverse effects of the economy. He said the people most negatively impacted by fee/tax increases are the people on the bottom of the economic rung. He asked Council to make cuts and hold the line.

Marilyn Kruger, 2324 A St., StarTran bus operator and VP of ATU Local #1293, came forward in opposition to the cutting of Saturday service. She said every cut causes a loss of users and once cut, it won't be restored.

Toni Kent, 3833 NW 50th St., StarTran bus operator, came forward in opposition to reduced transportation services. She presented results of a StarTran survey conducted in June & July.

Charles Schroeder, 5420 W. Chancery Rd., StarTran bus operator, came forward in opposition to reduced transportation services. He said as a state capital with a major university & other colleges in town, the City of Lincoln will continue to grow. So far, ridership is up 9.8%. He shared his ideas on retaining Fire Station #11 and shared the possibility of implementing a parking meter system he witnessed in another major city.

Rick Hoppe, Mayor’s Chief of Staff, came forward to answer questions on bus service.

Mike Foreman, 5601 Enterprise Dr., came forward as President of ATU #1293 to discuss the fate of Saturday bus service. As a bus driver of 34 1/2 years, he stated that bus/van service is as integral to the city as police and fire departments.

Mary Hilton, 5324 Hunts Dr., came forward to thank the Council for serving the city of Lincoln. She requested that non-essential items be cut from the budget. Ms. Hilton said it is immoral to impose 1% increase in the City budget when property owners have not experienced the same increase in personal income in this down economy.

Gunter Hofmann, 218 S. 29th St., came forward in favor of increasing property taxes so Parks & Recreation can be property funded to provide efficient, specialized services. He presented an example of tree care/replacement being done by government vs. the individual property owner. His feeling is that in another 10 years, Lincoln will not deserve the name “Tree City”.

Jim Cook, 3339 S. 40th St., came forward as a 50-year resident of Lincoln in favor of a property tax increase to be competitive with other cities our size.

Curt Donaldson, 2860 R. St., came forward as a property tax payer and a landlord. He said while his tenants cannot pay anymore, he will figure a way to absorb an increase. He said the Mayor’s budget is a balanced approach which implements some revenue increases & continued cuts. He supports efforts to allocate $1 million annually for parks.

Rosina Paolini, 1850 Dakota St., came forward to present a petition signed by 2,935 citizens who are in favor of a tax increase to avoid losing libraries, pools, fire stations & parks & rec. services.

Marge Schlitt, 2600 C St., came forward in support of raising property taxes to avoid cutting all City services & stop the downward slide of the quality of life in Lincoln.

Vicki Grossenbacher, 2721 B St., #6, came forward to comment as an advocate for people in need. She said tax increases are not only affecting the poor but across the board economically.

Katie Sneak, 2629 S. 15th St., came forward to state that as a homeowner anticipating a property tax increase, she will tighten her belt and accept the increase so as not to lose park services & pools.

Tracy Marcelli, 14620 Jamestown, Waverly, NE, came forward as a library user in opposition to further library cuts. She said according to the National Assessment of Adult Literacy, two-thirds of students who cannot read proficiently by the end of the 4th grade will end up in jail or on welfare.

Peter Kant, 6400 Artisan Way, came forward in opposition to a property tax increase as it will create negative consequences. He encouraged Council not to increase wheel taxes until the audit committee has completed its audit of the Public Works Dept. & removed inefficiencies in how they build roads.

Christa Yoakum, 330 NW 13th St., came forward in support of preserving parks, maintaining buses & libraries and protecting services which assist the most fragile people in the community.

Tricia Kasper, 2634 SM 15th St., came forward as a former Parks & Rec employee speaking in support of city pools. Surprisingly, “pool rats” learn negotiation skills & later as P & R employees they develop into leaders & responsible citizens.

Adam Hintz, 1611 Van Dorn, came forward on behalf of Friends of Wilderness Park in support of staffing paid professionals at the Pioneers Park Nature Center to provide in-depth knowledge to visiting children & adults.
REGULAR MEETING
August 8, 2011
Page 426

Kitty Fynbu, 1744 Sewell, came forward representing the Irvingdale Neighborhood Association in support of public parks/pools which exist for common good.

Tom Nesbitt, 7510 Sonata Ct., came forward in opposition to property & wheel tax increases. To keep public services, he suggested cutting personnel & only retain those who perform essential jobs.

Danny Walker, 427 E St., came forward to comment on his disappointment dealing with Parks & Recreation; his disagreement with the closing of two neighborhood crossings; and his displeasure with the lack of maintenance of core streets.

Karl Neemann, 1441 S. 5th St., came forward in opposition to an increase in property taxes. He shared ideas to provide City services by making use of volunteers & those doing community service. He suggested StarTran switch to hydrogen-fueled vehicles.

Coby Mach, 4725 Fir Hollow, came forward to commend Council for running for office, their service to the community, request they eliminate the property tax increase & lower or eliminate the wheel tax increase. To eliminate the property tax increase, Mr. Mach admitted that he has changed his view from last year by advising Council to use the one-time Verizon funds this year.

Monte Froehlich, 129 N. 10th St., #107, came forward in opposition to a property tax increase as it makes us more expensive buy less competitive.

Rick Froehlich of Simpsonville, SC, came forward as a Lincoln property owner in opposition to a property tax increase. He shared differences & similarities between the cities.

Karen Anthony, 4930 Thomasbrook Ln., came forward to state that she spent seven years on active duty as an officer in the United States Marine Corp and 21 years as a reservist. Having managed budgets in her military career, she shared ideas to keep our taxes lower -- offer more library books online & partner with Arbor Day or churches to replace trees. She stated she doesn't believe it is a requirement for government to pay for other people's social opportunities.

Wanda Caffrey, 2624 N. 70th St., came forward to express her concerns to Council stating that rate increases affect families with needs. She said 40% of LPS students already participate in the free or reduced lunch program.

John Krejci, 4402 St. Paul Ave., came forward with concerns that minority programs have been cut.

Charlotte Kalten, 12105 W. O St., came forward to suggest Council follow the 80/20 rule. She instructed Council to focus on making cuts in personnel which would comprise 80% of the budget and making fewer cuts in the 20%.

Dan King, 2350 S. 34th St., came forward in support of the Mayor's budget & the City Council's changes. To prevent any more cuts in services, he said his family is willing to pay a property tax increase to provide a better quality of life in Lincoln.

Richard Halvorsen, 6311 Inverness Rd., came forward to express appreciation for restoration of funds to the library system as he has witnessed many youth & adults making use of the library. He said he is disappointed that budget cuts seem to fall on the people who can least afford it. He asked Council to restore funding to bus transportation services and identified this time period as our rainy day. Mr. Halvorsen said his objection to the wheel tax is that it hits people equally -- the owner of a $500 junker pays the same as one who owns a Mercedes Benz.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to August 15, 2011. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Rskridge, Hornung; NAYS: None; ABSENT: Snyder.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on August 15, 2011. Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Rskridge, Hornung; NAYS: None; ABSENT: Snyder.
ADJOURNMENT 9:21 P.M.

CAMP Moved to adjourn the City Council meeting of August 8, 2011.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None; ABSENT: Snyder.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant