

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 6, 2012 AT 2:30 P.M.**

The Meeting was called to order at 2:30 p.m. Present: Council Chair Hornung; Council Members: Camp, Carroll, Cook, Emery, Eskridge, Schimek; City Clerk, Joan E. Ross.

Council Chair Hornung 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 July 30, 2012 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF RED9 LLC DBA RED9, 322 SOUTH 9TH STREET FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 10' X 10' AT THE OLD CHENEY FARMER'S MARKET ON AUGUST 19, 26; SEPTEMBER 2, 9, 16, 23, 30; AND OCTOBER 7, 14, 21, 28, 2012 - Ameeta Martin, 3424 Old Dominion Rd., came forward to answer questions about her plan to sell Bluestem Vinyard wines at the Old Cheney Farmer's Market.

This matter was taken under advisement.

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY FOR THE ACQUISITION OF STREET LIGHTS, A TELEPHONE SYSTEM AND IMPROVEMENTS TO THE CITY'S MUNICIPAL SERVICE CENTER - Steve Hubka, Finance Department, came forward to state that this financing is a follow up on several items that have come before Council in the past.

Lauren Wismer, Gilmore & Bell Bond Counsel, came forward to cover the parameters of the lease-purchase transaction. While this type of transaction is not unfamiliar to the City, the only exception is entering into a sublease with Lancaster County for a portion of the communications equipment. Upon payment, the title will be transferred to the City, who will in turn pass along their interest to the County.

Scott Keene, Ameritas Investment Corp., came forward to present details. He said the timeline plan is to proceed to a competitive sale of the certificates in the middle of September and settle the issue by the end of September. Mr. Keene said because each piece has a slightly different amortization schedule, the 15-year financing on a combined basis is estimated as having a 2.1% cost in today's market. In a gross cost breakdown, Mr. Keene said the maximum principle amount issued will be \$10 million: \$6.1 million to fund the MSC; \$1.86 million to fund street lights; \$1.2 million for VOIP (City share); and \$830,000 (County share).

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 16, 2012;

AMENDING SECTION 2.76.365 OF THE LINCOLN MUNICIPAL CODE, HOURS OF WORK, TO ALLOW EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "X" AND ELIGIBLE TO RETIRE TO ELECT A REDUCED WORK SCHEDULE - Douglas McDaniel, Personnel Director, came forward to answer questions.

This matter was taken under advisement.

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE RELATING TO ALCOHOLIC LIQUOR PROHIBITED IN PARKS TO ALLOW ALCOHOLIC BEVERAGES TO BE SERVED AND CONSUMED AT AULD PAVILION DURING PERIODS THAT ARE SUBJECT TO AN AGREEMENT BETWEEN THE CITY AND A PRIVATE BUSINESS FOR RENTAL OF THE FACILITY AND CATERING RELATED EVENTS - Rick Hoppe, Mayor's Chief of Staff, came forward to request that Council continue public hearing on this item to September 10, 2012, to allow for more discussion.

This matter was taken under advisement.

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APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN AND ELIMINATING APPROPRIATIONS WITHIN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION FUND, WATER FUND, WASTEWATER FUND, AND SOLID WASTE FUND FOR THE PUBLIC WORKS & UTILITIES DEPARTMENT; WITHIN THE CAPITAL PROJECTS FUND AND SOLID WASTE FUND FOR THE PARKS & RECREATION DEPARTMENT; AND WITHIN THE CAPITAL PROJECTS FUND FOR THE URBAN DEVELOPMENT DEPARTMENT - Fran Mejer, Public Works & Utilities Business Manager, came forward to answer questions.

This matter was taken under advisement.

MISC. NO. 12007 - DECLARING THE GATEWAY SENIOR LIVING REDEVELOPMENT AREA (AN ESTIMATED 11 ACRE AREA GENERALLY BOUNDED BY O STREET ON THE SOUTH, NORTH 56TH STREET ON THE EAST, R STREET ON THE NORTH AND NORTH 52ND STREET ON THE WEST) AS BLIGHTED AND SUBSTANDARD - David Landis, Director of Urban Development, came forward to present the comparison of the area against the statutory definitions of "blighted" and "substandard" found in the study paid for by the developer. He said the service line was 49 years old, two out of four structures were dilapidated, the area was not well laid out and access points were poor. Nine out of 12 substandard factors and four out of five blighted standards exist in the area. In response to Council Member Camp's questions, Mr. Landis estimated all three phases to total about \$30 million in TIF investment. While the Redevelopment Plan would present the plan in detail, Mr. Landis did share that Phase I would be a major new facility with the ability to employ 90 new people and make significant improvements in the existing facility. Phase II includes another large building, refurbishment of single-family housing, parking and new access points.

Tom Huston, 233 S. 13th St., Suite 1900, came forward on behalf of Gateway Properties to discuss the blight declaration. He said the blight study is the third step in a total of five steps to come before City Council. He reminded Council of the previous approval of two land-use approvals, the change of zone application and expansion of special use permit. The Gateway campus will become a continuum of care type of facility where residents will have the ability to have independent living units, assisted-living units and skilled nursing care beds. Mr. Huston said this area just north of O Street at 52nd Street does fit within the core project area definition of the 2008 Tax Increment Financing policy guidelines. He added that in the TIF policy, at least one of eight goals must be satisfied to be qualified -- this property satisfies four of the eight. Mr. Huston said the fourth and fifth items coming before Council will be the Redevelopment Plan Amendment and the Redevelopment Agreement itself. In response to Council Member Camp's questions about dollar values, Mr. Huston said there is a contract for Phase I that has a guaranteed maximum price in the neighborhood of \$12 million -- everything else for Phase II and Phase III are architect's estimates. The anticipated \$1.6 million of TIF will be allocated toward utility, infrastructure replacement, sanitary sewer, electrical service, site grading, utility upgrades/energy efficiencies of the buildings to include geothermal improvements and to address walkability issues for residents.

Council Chair Hornung advised Council Members to ask further details when the Redevelopment Agreement comes forward in two weeks.

Russell Peterson, President of Gateway Properties, was on hand for questioning.

Amy Fish, Administrator of Gateway Senior Living, was on hand for questioning.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JUNE 30, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JULY 23, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, AUGUST 20, 2012 AT 3:00 P.M. FOR THE APPLICATION OF HCF TACO COMPANY NO. 1, LLC DBA FUZZY'S TACO SHOP FOR A CLASS I LIQUOR LICENSE LOCATED AT 1442 O STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-86937 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 20, 2012, 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 HCF Taco Company dba Fuzzy's Taco Shop for a Class I liquor license located at 1442 O Street.

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

Introduced by Eugene Carroll

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12036 to Special Permit No. 1689A, Old Cheney Center, approved by the Planning Director on July 25, 2012 requested by David Ferguson to add a deck and reduce the available parking spaces by 2 for the commercial center on property generally located at S. 56th St. and Highway 2. Administrative Amendment No. 12016 to Pre-Existing Use Permit No. 9S, Vandervoort Addition to Edgewood, approved by the Planning Director on July 27, 2012 requested by John Badami to increase the allowed floor area on Lot 6 from 7,000 square feet to 10,783 square feet thereby increasing the total floor area from 107,338 square feet to 111,121 square feet and to adjust the land use table accordingly on property generally located at S. 62rd St. and Old Cheney Road.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF RED9 LLC DBA RED9, 322 SOUTH 9TH STREET FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 10' X 10' AT THE OLD CHENEY FARMER'S MARKET ON AUGUST 19, 26; SEPTEMBER 2, 9, 16, 23, 30; AND OCTOBER 7, 14, 21, 28, 2012 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-86938 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 red9 LLC for a Special Designated License to cover an outdoor area measuring 10 feet by 10 feet at the Old Cheney Road Farmer's Market located at 58th and Old Cheney Road, Lincoln, Nebraska, on August 19, 26; September 2, 9, 16, 23, 30; October 7, 14, 21, 28, 2012 between the hours of 10:00 a.m. and 2:00 p.m., be approved with the condition that the premises 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 Eugene Carroll

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

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

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY FOR THE ACQUISITION OF STREET LIGHTS, A TELEPHONE SYSTEM AND IMPROVEMENTS TO THE CITY'S MUNICIPAL SERVICE CENTER - CLERK read an ordinance, introduced by Jon Camp, authorizing and approving a lease-purchase transaction with Union Bank and Trust Company, the proceeds of which will be used to pay the costs of (A) acquiring and installing street lights and related improvements and certain electronic communication equipment and related

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software and (B) remodeling, renovating, equipping and furnishing certain real property of the City; approving the issuance, sale, and delivery of not to exceed \$10,000,000 principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease; and related matters, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 16, 2012 - CLERK read an ordinance, introduced by Jon Camp, 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 "X" and repealing Ordinance No. 19743, passed by the City Council on July 23, 2012, the second time.

AMENDING SECTION 2.76.365 OF THE LINCOLN MUNICIPAL CODE, HOURS OF WORK, TO ALLOW EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER "X" AND ELIGIBLE TO RETIRE TO ELECT A REDUCED WORK SCHEDULE - CLERK read an ordinance, introduced by Jon Camp, amending Section 2.76.365 of the Lincoln Municipal Code relating to hours of work to allow employees with a pay range prefixed by the letter "X" and eligible to retire to elect a reduced work schedule; and repealing Section 2.76.365 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE RELATING TO ALCOHOLIC LIQUOR PROHIBITED IN PARKS TO ALLOW ALCOHOLIC BEVERAGES TO BE SERVED AND CONSUMED AT AULD PAVILION DURING PERIODS THAT ARE SUBJECT TO AN AGREEMENT BETWEEN THE CITY AND A PRIVATE BUSINESS FOR RENTAL OF THE FACILITY AND CATERING RELATED EVENTS - PRIOR to reading:

COOK Moved to continue 2nd Reading on Bill No. 12-92 with Public Hearing in five weeks to September 10, 2012.

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

CLERK Read an ordinance amending Section 12.08.270 of the Lincoln Municipal Code relating to alcoholic liquor in parks to allow alcohol to be served inside Auld Pavilion under the circumstances provided therein; and repealing Section 12.08.270 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN AND ELIMINATING APPROPRIATIONS WITHIN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION FUND, WATER FUND, WASTEWATER FUND, AND SOLID WASTE FUND FOR THE PUBLIC WORKS & UTILITIES DEPARTMENT; WITHIN THE CAPITAL PROJECTS FUND AND SOLID WASTE FUND FOR THE PARKS & RECREATION DEPARTMENT; AND WITHIN THE CAPITAL PROJECTS FUND FOR THE URBAN DEVELOPMENT DEPARTMENT - CLERK read an ordinance, introduced by Jon Camp, approving the transfer of unspent and unencumbered appropriations and cash (if any) and eliminating appropriations between certain capital improvement projects within the Street Construction Fund, Water Fund, Wastewater Fund, and Solid Waste Fund for the Public Works & Utilities Department; within the Capital Projects Fund for the Parks & Recreation Department; and within the Capital Projects Fund for the Urban Development Department, the second time.

PUBLIC HEARING - RESOLUTIONS

MISC. NO. 12007 - DECLARING THE GATEWAY SENIOR LIVING REDEVELOPMENT AREA (AN ESTIMATED 11 ACRE AREA GENERALLY BOUNDED BY O STREET ON THE SOUTH, NORTH 56TH STREET ON THE EAST, R STREET ON THE NORTH AND NORTH 52ND STREET ON THE WEST) AS BLIGHTED AND SUBSTANDARD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86939 WHEREAS, it is desirable and in the public interest that the City of Lincoln, Nebraska, a municipal corporation and a city of the primary class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended, known as the Community Development Law, is the urban renewal and redevelopment law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with its Home Rule Charter and the laws of the State of Nebraska applicable to cities of the primary class has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943; and

WHEREAS, this Council has received and duly considered evidence relating to the present condition of the Gateway Senior Living Redevelopment Area, generally bounded by O Street on the south, North 56th Street on the east, R Street on the north and North 52nd Street on the west, as shown and described on Attachment "A" (entitled Gateway Senior Living Redevelopment Area Blight and Substandard Determination Study); and

WHEREAS, this Council has received and duly considered other evidence, including evidence relating to the scope and limitations of the nearby redevelopment plans in the area, and the inability of the other plans to effectively remedy the substandard and blighted conditions;

WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska requires that said area must be found to be both substandard and blighted in order for tax increment financing to be used in said area; and

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to the preparation by the City of an urban redevelopment plan for a redevelopment project for the Gateway Senior Living Redevelopment Area, this Council as governing body of the City, by resolution, after review and recommendation from the Lincoln City Lancaster County Planning Commission, find and determine that said area is both a substandard and blighted area as defined in said Community Development Law, and in need of redevelopment; and

WHEREAS, on June 29, 2012, notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within a one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on July 11, 2012, before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the Gateway Senior Living Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on July 11, 2012 recommended that the Gateway Senior Living Redevelopment Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said Gateway Senior Living Redevelopment Area as shown and described on Attachment "A" constitutes both a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

WHEREAS, on July 20, 2012 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on August 6, 2012 regarding the proposed determination that the Gateway Senior Living Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on July 20, 2012 and July 27, 2012 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on August 6, 2012 regarding the proposed determination that the Gateway Senior Living Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on August 6, 2012 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed determination that the Gateway Senior Living Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed determination.

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

1. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "A" (entitled Gateway Senior Living Redevelopment Area Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

2. That it is hereby found and determined that the Gateway Senior Living Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

3. That it is hereby found and determined that said area is an eligible site for redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

4. That the elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aid provided by the Community Development law, specifically including Tax Increment Financing.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the Gateway Senior Living Redevelopment Area, which plan shall be prepared in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

Introduced by Jon Camp

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

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

AMENDING SECTIONS 9.20.050 AND 10.14.460 OF THE LINCOLN MUNICIPAL CODE RELATING TO DISTURBING THE PEACE AND UNNECESSARY NOISE FROM MOTOR VEHICLES, RESPECTIVELY, TO TRANSFER THE REGULATION OF SOURCES OF MUSIC IN PUBLIC STREETS, ALLEYS, OR OTHER PUBLIC PLACES FROM SECTION 9.20.050, DISTURBING THE PEACE, TO SECTION 10.14.460, UNNECESSARY NOISE FROM MOTOR VEHICLES, TO AMEND THE PENALTY FOR VIOLATION OF SECTION 9.20.050 TO CORRESPOND TO STATE STATUTE AND TO SPECIFY THE PENALTY FOR VIOLATION OF SECTION 9.20.050 IN THAT SECTION; AND AMENDING SECTION 9.20.100 OF THE LINCOLN MUNICIPAL CODE RELATING TO MINIMUM PENALTIES TO DELETE A REPETITIOUS REFERENCE TO THE MINIMUM FINE FOR DISTURBING THE PEACE - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 9.20.050 and 10.14.460 of the Lincoln Municipal Code relating to Disturbing the Peace and Unnecessary Noise from Motor Vehicles, respectively, to transfer the regulation of sources of music in public streets, alleys, or other public places from Section 9.20.050, Disturbing the Peace, to Section 10.14.460, Unnecessary Noise From Motor Vehicles, to amend the penalty for violation of Section 9.20.050 to correspond to state statute and to specify the penalty for violation of Section 9.20.050 in that section; amending Section 9.20.100 of the Lincoln Municipal Code relating to minimum penalties to delete a repetitious reference to the minimum fine for disturbing the peace; and repealing Sections 9.20.050, 9.20.100 and 10.14.460 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19749**, is recorded in Ordinance Book #27, Page .

AMENDING CHAPTER 9.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC DECENCY BY AMENDING SECTION 9.16.030 DEFINING TOXIC COMPOUNDS; AMENDING SECTION 9.16.035 DEFINING PARAPHERNALIA; AMENDING SECTION 9.16.110 RELATING TO THE UNLAWFUL USE OF TOXIC COMPOUNDS TO CLARIFY THAT A TOXIC COMPOUND COULD BE INTRODUCED INTO THE HUMAN SYSTEM BY OTHER MEANS THAN CURRENTLY SET FORTH IN THE SECTIONS; AND AMENDING SECTION 9.16.140 TO MAKE THE PENALTY COMPARABLE WITH STATE STATUTE - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 9.16 of the Lincoln Municipal Code relating to Offenses Against Public Decency by amending Section 9.16.030 defining toxic compounds; amending Section

9.16.035 defining paraphernalia; amending Section 9.16.110 relating to the unlawful use of toxic compounds to clarify that a toxic compound could be introduced into the human system by other means than currently set forth in the sections; amending Section 9.16.140 to make the penalty comparable with state statute; and repealing Sections 9.16.030, 9.16.065, 9.16.100, and 9.16.140 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19750**, is recorded in Ordinance Book #27, Page .

APPROVING THE FIRST STREET AND HIGHWAY 2 DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN SHARON Y. SCHWARTZ AND MARLYN SCHWARTZ, JEFFREY T. COLSON AND LANETTE COLSON, AND THE CITY OF LINCOLN TO CONDITIONALLY ALLOW THE DEVELOPMENT OF PROPERTY LOCATED AT FIRST STREET AND HIGHWAY 2 (CHENEY) TO BE LIMITED TO MINI-WAREHOUSING SHOULD THE PROPERTY BE RE-ZONED FROM AG AGRICULTURAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT. (RELATED ITEMS: 12R-95, 12-48) (ACTION DATE: 6/4/12) (5/21/12 - P.H. CON'T TO 6/4/12) (6/4/12 - PLACED ON INDEFINITE PENDING) (7/16/12 - REMOVED FROM PENDING TO HAVE P.H. ON 7/30/12 W/ACTION ON 8/6/12) (RELATED ITEMS: 12R-95, 12-48, 12-87) (ACTION DATE: 8/6/12) - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 12R-95 by accepting Attachment "A", First Street and Highway 2 Development and conditional Zoning Agreement, attached hereto to replace Attachment "A" previously provided with Bill No. 12R-95.

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

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

A-86940 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the First Street and Highway 2 Development and Conditional Zoning Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Sharon Y. Schwartz and Marlyn Schwartz, and Jeffrey T. Colson and Lanette Colson, (collectively "Developer") upon the terms and conditions contained in said Agreement to restrict the development of property located at First Street and Highway 2 (Cheney) to mini-warehousing and a dwelling for a caretaker should the property be rezoned from AG Agricultural District and R-2 Residential District to H-3 Highway Commercial District on the property legally described as Lot 65 I.T., located in the Southeast Quarter of Section 23, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute the Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development and Conditional Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Developer.

Introduced by Jon Camp

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

CHANGE OF ZONE 12005 - APPLICATION OF SHARON SCHWARTZ AND JEFFREY COLSON FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT HIGHWAY 2 AND FIRST STREET (CHENEY). (RELATED ITEMS: 12R-95, 12-48)(ACTION DATE: 6/4/12)(5/21/12 - P.H. CON'T TO 6/4/12)(6/4/12 - PLACED ON INDEFINITE PENDING)(7/16/12 - REMOVED FROM PENDING TO HAVE P.H. ON 7/30/12 W/ACTION ON 8/6/12)(RELATED ITEMS: 12R-95, 12-48, 12-87)(ACTION DATE: 8/6/12) - CLERK read the following 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.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19751**, is recorded in Ordinance Book #27, Page .

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CHANGE OF ZONE 12019 - APPLICATION OF SHARON Y. SCHWARTZ AND JEFFREY T. COLSON TO REDUCE THE BUILDING LINE DISTRICT FROM A 125 FOOT SETBACK TO A 108 FOOT SETBACK ON PROPERTY GENERALLY LOCATED AT FIRST STREET AND HIGHWAY 2 IN CHENEY. (RELATED ITEMS: 12R-95, 12-48, 12-87)(ACTION DATE: 8/6/12) - CLERK read an ordinance, introduced by Carl Eskridge, to amend the Building Line District Map attached to and made part of Title 27 of Lincoln Municipal Code by reducing the Building Line District on the south side of Highway 2 from 125 feet to 108 feet adjacent to Lot 65, located in the Southeast Quarter of Section 23, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, generally at First Street and Highway 2, Cheney, Nebraska, the third time.

ESKRIDGE Moved to pass the ordinance as read.

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

The ordinance, being numbered #19752, is recorded in Ordinance Book #27, Page .

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

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND HABITAT FOR HUMANITY INC. FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 2445 N.W. 52ND STREET FOR AN AMOUNT OF \$20,000.00 - CLERK read an ordinance, introduced by Eugene Carroll, approving a Real Estate Sales Agreement between the City of Lincoln and Lincoln/Lancaster County Habitat for Humanity Inc. authorizing the sale of surplus property generally located at 2445 N.W. 52nd Street, the first time.

CHANGE OF ZONE 12022 - AMENDING SECTION 27.07.030 OF THE LINCOLN MUNICIPAL CODE TO ALLOW AS A TEMPORARY PERMITTED CONDITIONAL USE OF A BUILDING OR PREMISES IN THE AG AGRICULTURE DISTRICT, IN ADDITION TO ITS MAIN USE, FOR ANY USE APPROVED BY THE LANCASTER COUNTY BOARD OF COMMISSIONERS BY THE GRANTING OF AN AMUSEMENT LICENSE FOR SUCH USE, PROVIDED SAID CONDITIONAL USE IS LIMITED TO ONE EVENT PER CALENDAR YEAR - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 27.07.030 of the Lincoln Municipal Code to provide that any use approved by the Lancaster County Board of Commissioners by the granting of an amusement license for such use shall be allowed as a permitted conditional use in the AG Agriculture District, provided said conditional use is limited to one event per calendar year; and repealing Section 27.07.030 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING THE AGREEMENT REGARDING THE ANNEXATION OF SKY RANCH ACRES BETWEEN THE CITY AND SKY RANCH ACRES NEIGHBORHOOD ASSOCIATION FOR THE DEVELOPMENT OF 30.11 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 108TH STREET AND HOLDREGE STREET. (RELATED ITEMS: 12R-182, 12-100)(ACTION DATE: 8/20/12)

ANNEXATION 10004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 37 ACRES GENERALLY LOCATED AT NORTH 108TH STREET AND HOLDREGE STREET (RELATED ITEMS: 12R-182, 12-100)(ACTION DATE: 8/20/12) - CLERK read an ordinance, introduced by Eugene Carroll, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 05012A - APPLICATION OF SOUTH POINTE CHRISTIAN CHURCH AND LINCOLN STORAGE/WOOD BRIDGE COMMERCIAL ASSOCIATES TO AMEND THE WOOD BRIDGE PLANNED UNIT DEVELOPMENT TO INCREASE THE MINI-STORAGE AREA FROM APPROXIMATELY 58,700 SQUARE FEET TO 84,500 SQUARE FEET, ON PROPERTY GENERALLY LOCATED AT PINE LAKE ROAD AND HELEN WITT DRIVE - CLERK read an ordinance, introduced by Eugene Carroll, amending the development plan for the Wood Bridge Planned Unit Development in order to increase the floor area for mini-storage from approximately 58,700 square feet to 84,500 square feet on property generally located at Pine Lake Road and Helen Witt Drive and legally described as: Lots 1 through 5, and Outlots A and B, Wood Bridge 2nd Addition, Lincoln, Lancaster County, Nebraska, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 16 - 31, 2012.

APPROVING AMENDMENT TO BID NO. 10-165 CONTRACT AGREEMENT BETWEEN THE CITY AND HERSEY METERS COMPANY, LLC DBA MUELLER SYSTEMS TO PROVIDE THE ANNUAL REQUIREMENTS OF HERSEY WATER METER PARTS FOR AN ADDITIONAL TWO YEAR TERM FROM AUGUST 1, 2012 THROUGH JULY 31, 2014.

APPROVING AMENDMENT TO BID NO. 10-167 CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND BADGER METER, INC. FOR THE ANNUAL REQUIREMENTS FOR 6-10" FIRE SERVICE COLD WATER METERS, FOR AN ADDITIONAL TWO YEAR TERM FROM AUGUST 1, 2012 THROUGH JULY 31, 2014.

APPROVING AMENDMENT TO BID NO. 10-128 CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND BADGER METER, INC. FOR THE ANNUAL REQUIREMENTS FOR COLD WATER METERS, 5/8" TO 2" WITH AUTOMATED METER READING ERT MODULES, FOR AN ADDITIONAL TWO YEAR TERM FROM AUGUST 1, 2012 THROUGH JULY 31, 2014.

APPOINTING CAROL SPEICHER TO THE LIBRARY BOARD FOR A TERM OF SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2019.

REAPPOINTING MIKE MCNIFF TO THE EXAMINING BOARD OF PLUMBERS FOR A TERM EXPIRING SEPTEMBER 4, 2015.

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE FOR AMBULANCE SERVICE.

APPROVING A PROJECT PROGRAMMING AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPARTMENT OF ROADS TO ESTABLISH VARIOUS DUTIES AND FUNDING RESPONSIBILITIES FOR A FEDERAL AID PROJECT FOR THE CONSTRUCTION OF SAFETY IMPROVEMENTS AT NORTH 66TH STREET AND FREMONT STREET.

MISCELLANEOUS BUSINESS - NONE

OPEN MICROPHONE - NONE

ONE AND SIX YEAR STREETS & HIGHWAYS PROGRAM

Council Chair Hornung: 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 Two-Year Program lists projects proposed for final design, right-of-way acquisition, construction or study during fiscal years 2013 and 2014. The third through sixth year (FY 2015-2018) 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 15th, 2012 plus being placed on the City's website and on Channels 5, 10 and 21.

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 16th, 2012 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 two years 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.

Capital Improvement Program for fiscal years 2013 thru 2018 reflects an average annual expenditure of nearly \$27.76 million dollars. This average annual expenditure is comprised of \$21.66 million dollars of City Revenues, \$5.84 million in Federal Aid and \$.26 million in other funds (Includes State/Federal, Train Mile Tax, and Railroad Transportation Safety District).

**2012-2014 MAYOR'S RECOMMENDED BIENNIAL OPERATING BUDGET
AND CAPITOL IMPROVEMENT PROGRAM 2012/13 - 2017/18**

City Clerk Ross: As part of the Mayor's proposed budget, the budget also proposes to take the following 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 3.5% 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 2011-12 budget to future fiscal years. This unused restricted fund authority is estimated at up to \$23,000,000 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 & RESOLUTIONS WILL HAVE
PUBLIC HEARING ON 8/6/12 IMMEDIATELY FOLLOWING
THE REGULAR COUNCIL MEETING WHICH BEGINS AT 2:30 P.M.
(Action Dates are Indicated for Each Item)**

Council Chair Hornung requested Clerk Ross to call the following items together for 2nd Reading and Public Hearing on this date.

PUBLIC HEARING ON THE 1 & 6 YEAR STREET & HIGHWAY PROGRAM, THE 2012-2014 CITY OF LINCOLN BIENNIAL OPERATING BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM FOR FY 2012-2014. (TO HAVE PUBLIC HEARING 8/6; ACTION: 8/20/12)

AMENDING SECTION 2.32.110 OF THE LINCOLN MUNICIPAL CODE RELATING TO LINCOLN POLICE DEPARTMENT FEES TO INCREASE THE FEE CHARGED FOR A COPY OF AN ACCIDENT REPORT FROM \$2.00 TO \$15.00 (TO HAVE PUBLIC HEARING/2ND READING 8/6; ACTION: 8/8/12) - CLERK read an ordinance, introduced by Jon Camp, amending Section 2.32.110 of the Lincoln Municipal Code relating to Lincoln Police Department Fees by increasing the fee charged for a copy of an accident report from \$2.00 to \$15.00; repealing Section 2.32.110 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 2.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE FIRE AND RESCUE DEPARTMENT BY ADDING NEW SECTIONS NUMBERED 2.20.160, 2.20.170, 2.20.180, 2.20.190 AND 2.20.200 TO IDENTIFY AND ESTABLISH FEES FOR SPECIFIC SERVICES PERFORMED BY THE FIRE AND RESCUE DEPARTMENT (TO HAVE PUBLIC HEARING/2ND READING 8/6; ACTION: 8/8/12) - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 2.20 of the Lincoln Municipal Code relating to the Fire and Rescue Department by adding new sections numbered 2.20.160, 2.20.170, 2.20.180, 2.20.190 and 2.20.200 to identify and establish fees for specific services performed by the Fire and Rescue department, the second time.

AMENDING CHAPTER 5.56 OF THE LINCOLN MUNICIPAL CODE RELATING TO EMERGENCY ALARM SYSTEMS BY AMENDING SECTION 5.56.010 TO REVISE AND ADD DEFINITIONS; AMENDING SECTIONS 5.56.025 AND 5.56.030 TO REQUIRE FIRE ALARM BUSINESSES AND FIRE ALARM USERS, RESPECTIVELY, TO OBTAIN THE PERMITS REQUIRED IN THIS CHAPTER; AND AMENDING SECTIONS 5.56.040, 5.56.050 AND 5.56.055 TO PROVIDE FEES FOR FALSE FIRE ALARMS (TO HAVE PUBLIC HEARING/2ND READING 8/6; ACTION: 8/8/12) - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 5.56 of the Lincoln Municipal Code relating to Emergency Alarm Systems by amending Section 5.56.010 to revise and add definitions; amending Sections 5.56.025 and 5.56.030 to require fire alarm businesses and fire alarm users, respectively, to obtain permits required in this chapter; amending Sections 5.56.040, 5.56.050, and 5.56.055 to provide fees for false fire alarms; and repealing Sections 5.56.010, 5.56.025, 5.56.030, 5.56.040, 5.56.050, and 5.56.055 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 8.32.150 OF THE LINCOLN MUNICIPAL CODE RELATING TO SOLID WASTE TO INCREASE THE OCCUPATION TAX ON REFUSE HAULERS FROM \$7.00 PER TON TO \$9.00 PER TON (TO HAVE PUBLIC HEARING/2ND READING 8/6; ACTION: 8/8/12) - CLERK read an ordinance, introduced by Jon Camp, amending Section 8.32.150 of the Lincoln Municipal Code to increase the occupation tax imposed on refuse haulers from \$7.00 per ton to \$9.00 per ton; and repealing Section 8.32.150 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "C" BY CREATING THE CLASSIFICATION OF "COMMUNITY OUTREACH COORDINATOR" (TO HAVE PUBLIC HEARING/2ND READING 8/6; ACTION: 8/8/12) - CLERK read an ordinance, introduced by Jon Camp, amending Section 3 of Ordinance No. 19601 passed August 15, 2011, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by creating the job classification of "Community Outreach Coordinator", the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CREATING THE CLASSIFICATION OF "EQUITY AND DIVERSITY OFFICER" (TO HAVE PUBLIC HEARING/2ND READING 8/6; ACTION: 8/8/12) - CLERK read an ordinance, introduced by Jon Camp, amending Section 1 of Ordinance No. 19424 passed August 9, 2010, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M", by creating the job classification of "Equity and Diversity Officer", the second time.

ADOPTING THE FEE SCHEDULE FOR APPLICATION REVIEWS UNDER CHAPTER 14.20, TITLE 26, AND TITLE 27 OF THE LINCOLN MUNICIPAL CODE AND AMENDMENTS TO THE LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO BE EFFECTIVE OCTOBER 1, 2012. (TO HAVE PUBLIC HEARING/2ND READING 8/6; ACTION: 8/8/12)

ADOPTING A REVISED STARTRAN FARE STRUCTURE EFFECTIVE OCTOBER 1, 2012 FOR A REGULAR 31-DAY PASS, HANDIVAN 31-DAY PASS, STAR SHUTTLE AND TRANSFERS AND ADOPTING A REVISED BIG RED SHUTTLE FARE EFFECTIVE AUGUST 15, 2013. (TO HAVE PUBLIC HEARING/2ND READING 8/6; ACTION: 8/8/12)

ESTABLISHING A NEW RATE SCHEDULE FOR CUSTOMERS OF THE LINCOLN WATER SYSTEM FOR PURPOSES OF COVERING THE SYSTEM'S OPERATIONAL AND MAINTENANCE COSTS INCLUDING DEBT SERVICE AND THE COSTS OF THE CAPITAL IMPROVEMENTS PROGRAM FOR FY 2012/2013 AND FY 2013/2014. (TO HAVE PUBLIC HEARING/2ND READING 8/6; ACTION: 8/8/12)

ESTABLISHING A NEW RATE SCHEDULE FOR CUSTOMERS OF THE LINCOLN WASTEWATER SYSTEM FOR PURPOSES OF COVERING THE SYSTEM'S OPERATIONAL AND MAINTENANCE COSTS INCLUDING DEBT SERVICE AND THE CAPITAL IMPROVEMENTS PROGRAM FOR FY 2012/2013 AND FY 2013/2014. (TO HAVE PUBLIC HEARING/2ND READING 8/6; ACTION: 8/8/12)

ESTABLISHING A NEW SCHEDULE FOR SOLID WASTE SYSTEM USER CHARGES FOR THE PRIVILEGE OF USING ANY PUBLIC LANDFILL OR OTHER WASTE DISPOSAL SYSTEM OWNED BY THE CITY TO INCREASE REVENUES FOR PURPOSES OF COVERING OPERATIONAL AND MAINTENANCE COSTS, THE CAPITAL IMPROVEMENTS PROGRAM AND TO HELP BUILD A FINANCIAL BASE FOR FUTURE SOLID WASTE REVENUE BONDS FOR CAPITAL IMPROVEMENT COSTS, TO BE EFFECTIVE SEPTEMBER 1, 2013. (TO HAVE PUBLIC HEARING/2ND READING 8/6; ACTION: 8/8/12)

Kyle Fischer, 1135 M St., came forward representing the Lincoln Chamber of Commerce organizational members and Board of Directors speaking in support of the budget as it does not increase the current property tax rate and it maintains funding for the Lincoln Partnership for Economic Development. He said the budget doesn't involve the transfer of money from the Fast Forward Fund to cover operating expenses and it doesn't involve major program cuts. Mr. Fischer gave praise to Mayor Beutler and his administration along with the City Council for steering the community through some of the toughest economic times. He said the Chamber and its business members deserve credit as well because sales and occupation taxes are up. This showing a vibrant economy where businesses, large and small, are coming up with innovative ideas to cut costs, increase productivity and stay afloat.

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Marilyn Kruger, 2324 A St., came forward representing StarTran as a bus operator and Vice President of the ATU 1293 in support of the StarTran Advisory Board's recommendations of the StarTran fare structure. She said lowering bus fare rates would help improve ridership.

Coby Mach, LIBA, came forward to discuss budget issues. He said last year the Mayor and Council raised property taxes 10% and the wheel tax rose 37%. He said while employee positions have been cut, employee costs have gone up. Since 2001 ambulance costs have increased and LIBA suggests implementing a study to see if LFR services & costs are effective. Mr. Mach believes that new fees for services, such as the proposed extrication fee, are being proposed to fund high employee wages & benefit packages. Mr. Mach believes the City administration uses scare tactics such as the threat to cut two police officers. He surmised that if the City was seriously seeking to reduce staff they would look at other positions rather than the safety of the community. He feels that fees tax the poor & middle class in order to fund upper class City employees; but, he hopes that mentality & shift will change.

Kim Phelps, 1620 Brighton Ave., came forward as Chair of the StarTran Advisory Board to discuss the recommendations to the proposed StarTran bus service fare revisions. He suggested that there be no charge for transfers, keep the Star Shuttle at 25 cents and consider reducing the 31-Day Regular Pass from \$45.00 to \$17.00. He said the idea is to bring back the number of riders who used bus service ten years ago. Currently there are 300 riders who utilize the 31-day pass and the goal is to increase that number to 1,000-1,100.

Curt Donaldson, 2860 R St., came forward in support of funding for the Parks & Recreation Department Renewals & Replacement. He feels the urgently needed funds will be spent wisely. He said magnificent infrastructure must be reinvested & maintained.

Brad Stevens, 910 S. 37th St., came forward representing the Nebraska Chapter of Americans for Prosperity, to express concern over cost increases for government employees. He called for real meaningful CIR reform, or better yet, to eliminate state comparability. He opposes increased fees and stated that citizens pay taxes to have access to services such as the Jaws of Life or a police report.

Jane Kinsey, 6703 Hawkins Bend, came forward representing Watch Dogs of Lincoln Government, to discuss issues about fee increases, personnel costs and expensive projects. She requested an audit of the TIF program.

Mike Foreman, 5601 Enterprise, came forward as President of ATU 1293 in support of the StarTran Advisory Board's proposal to the StarTran Fare Structure. He said Transfers must remain free; the 31-Day Pass is reasonable; and Star Shuttle must remain at 25 cents so ridership does not drop. While he is personally opposed to increasing the Big Red Express fare because it affects the average family of four on game day, he understands that sacrifices must be made.

Matt Maude, 8040 Eiger Dr., came forward as General Counsel and CFO for Resort Lifestyle Communities to address the \$250 Lift Fee. He defined different levels of senior housing. Mr. Maude clarified that it is not a lack of staffing but rather a fact of business that an independent living facility does not provide health care. He said residents can contract directly with a home-health care agency for assisted services.

Jeff Kirkpatrick, Assistant City Attorney, came forward to answer questions. He clarified that Lincoln Fire & Rescue is going out to facilities defined as "assisted living facilities" or "nursing care facilities" where trained professionals are on staff that can assist when someone has fallen and needs help getting up. Mr. Kirkpatrick said those facilities have apparently made a decision not to put their employees at risk of injuring their backs as long as the Fire Department shows up for free. In response to Council Member Schimek's question, Mr. Kirkpatrick said the fee will be charged to the institution. Council Member Emery asked for an amendment to establish an appeals process. Council Chair Hornung requested that Law Department prepare an amendment to reference the Lincoln Municipal Code Sections to clarify definitions.

This matter was taken under advisement.

TOOK BREAK 4:01 P.M.

RECONVENED 6:30 P.M.

Council Member Jon Camp did not return to the Council Chambers following the break.

Council Member Cook requested the Public Works & Utilities Director to come forward and address StarTran suggestions.

Miki Esposito, Director of Public Works & Utilities Department, came forward to state that her department has no objection to doing a motion to amend to take on the recommendations of the StarTran Advisory Board. She believes the amendments are budget neutral.

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Scott Tharnish, Public Works & Utilities StarTran Administration, came forward to answer questions about the proposed amendment. Mr. Tharnish said amending the existing Regular 31-Day Pass from \$45.00 to \$17.00 is reasonable and should generate 800 more sales each month. He compared this reduction to action in 2003 when the Low-Income Fare was lowered from \$35.00 to \$5.00. Mr. Tharnish said 1,500 people bought the Low-Income monthly pass in 2003; today there are 3,000 people buying the pass. He clarified the amended figures for Council.

Council Chair Hornung asked about revenue shortages if the 800 number was not met. Mr. Tharnish said to break even, \$220,000 is needed. If the discounted pass only generated 400 sales, it would be \$120,000 short.

Clerk Ross reported that a communication was received from Patrick Helwig, a Downtown resident, stating for the record that StarTran's fixed-route service should become a financial priority.

This matter was taken under advisement.

ADJOURNMENT 6:38 P.M.

CARROLL Moved to adjourn the City Council meeting of August 6, 2012.
Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

Joan E. Ross, City Clerk

Sandy L. Dubas, Office Specialist

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