

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 8, 2012 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Hornung; Council Members: Camp, Carroll, Cook, Emery, Eskridge, Schimek; Deputy City Clerk, Teresa J. Meier.

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

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of August 6, 2012 reported having done so, found same correct.

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

COUNCIL ACTION

**THE FOLLOWING ITEMS ARE SCHEDULED FOR ACTION ONLY
NO PUBLIC HEARING ON THIS DATE**

**Council Proposes Final Adjustments to 2012/14 Operating Budget and
Capital Improvement Program 2012/13 - 2017/18 (Bill No. 12R-174)**

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 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 #19753, is recorded in Ordinance Book #27, Page .

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) - PRIOR to reading:

HORNUNG Passed the gavel to Vice Chair Eskridge.

HORNUNG Moved MTA #1 to amend Bill No. 12-93 in the following manner:

1. On page 4, line 24, after the words "assisted living facilities" insert the words "as defined in Lincoln Municipal Code Section 27.02.020" and after the words "nursing care facilities" insert the words "as defined in Lincoln Municipal Code 27.02.150".

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

HORNUNG Moved MTA #2 to amend Bill No. 12-93 in the following manner:

1. On page 5, after line 6, insert the following language:
Section 6 5. That Chapter 2.20 of the Lincoln Municipal Code be amended by adding a new section numbered 2.20.210 to read as follows:

Section 2.20.210 Appeal.

(a) Any person or persons subjected to a fee for services under 2.20.170, 2.20.190, or 2.20.200 shall have the right to appeal that fee to the City Council by filing an appeal with the Fire and Rescue Department.

(b) Any appeal shall be taken by filing with the City Clerk, within 30 days of receiving a bill for said services, a written statement setting forth the grounds for the appeal.

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(c) All appeals shall be accompanied by an appeal filing fee of \$25.00.

(d) The council shall set a time and place for hearing on such appeal and written notice of such hearing shall be given to the appellant no less than 10 days prior to the date of the hearing. The appellant, or his or her attorney, may present evidence in support of the appeal.

(e) The council shall render a decision within thirty days after the hearing. The decision and order of the council on such appeal shall be final.

2. Renumber the subsequent Section accordingly.

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

HORNUNG Moved MTA #3 to amend Bill No. 12-93 in the following manner:

1. On page 4, delete lines 7 through 20 (deleting Section 4 in its entirety).

2. Renumber the subsequent Sections accordingly.

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

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 third time.

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19754, is recorded in Ordinance Book #27, Page .

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) - PRIOR to reading:

CARROLL Moved MTA #1 to amend Bill No. 12-94 in the following manner:

1. On Page 8, Line 24, after the word "has" insert the words "expired or has".

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

CARROLL Moved MTA #2 to amend Bill No. 12-94 in the following manner:

1. On Page 8, Lines 25 and 26, delete the sentence: "Reinstatement of an alarm user permit shall not extend the expiration date of the permit."

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

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

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19755, is recorded in Ordinance Book #27, Page .

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 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 #19756, is recorded in Ordinance Book #27, Page .

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19757, is recorded in Ordinance Book #27, Page .

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19758, is recorded in Ordinance Book #27, Page .

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) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86941 WHEREAS, in accordance with Section 14.20.020 of the Lincoln Municipal Code, the fee the Planning Department may charge for application reviews for street and alley vacations under Chapter 14.20 of the Lincoln Municipal Code must be approved by resolution of the City Council; and

WHEREAS, in accordance with Section 26.33.010 of the Lincoln Municipal Code, the fees which the Planning Department may charge for application reviews under Title 26 of the Lincoln Municipal Code (Land Subdivision Ordinance) must be approved by resolution of the City Council; and

WHEREAS, in accordance with Section 27.80.010 of the Lincoln Municipal Code, the fees which the Planning Department may charge for application reviews under Title 27 of the Lincoln Municipal Code (Zoning Ordinance) must be approved by resolution of the City Council; and

WHEREAS, the Planning Director is requesting authorization to collect an increased filing fee to review an application to amend the Lincoln-Lancaster County Comprehensive Plan; and

WHEREAS, the Planning Department has proposed 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 attached hereto marked as Attachment A and recommends its adoption; and

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

WHEREAS, the City Council finds that the proposed fees, based on the reasonable costs of providing staff to review the applications, represent reasonable maximum fees to be charged for said reviews.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that 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, attached hereto marked as Attachment A and made a part hereof by reference, is hereby approved.

BE IT FURTHER RESOLVED that the fees in the attached fee schedule shall take effect on October 1, 2012.

BE IT FURTHER RESOLVED that this Resolution supercedes and replaces 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 established by Resolution No. A-84966.

Introduced by Jon Camp

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

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) - PRIOR to reading:

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CARROLL Moved MTA #1 to amend Bill No. 12R-175 in the following manner:
1. On page 1 line 13, delete the proposed fare of "\$16.00" and insert in lieu thereof the amount of \$17.00.
2. On page 1 line 14, delete the proposed fate of "\$32.00" and insert in lieu thereof the amount of \$34.00.
3. On page 1 line 15, delete the proposed fare of "\$0.50" and insert in lieu thereof the amount of \$0.25.
4. On page 1 line 16, delete the proposed fare of "\$0.25" and insert in lieu thereof the amount of Free.

ESKRIDGE Seconded.

CAMP Moved a friendly amendment to change the Regular 31-Day Pass Proposed Fare to \$30.00.

CARROLL Rejected.

MTA #1 was carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: Camp.

CAMP Moved to amend the Regular 31-Day Pass Fare from \$17.00 to \$30.00 and the HandiVan 31-Day Pass Fare from \$34.00 to \$60.00.

HORNUNG Seconded.

HORNUNG Passed the gavel to Vice Chair Eskridge and moved to split the question. First Question: To amend the Regular 31-Day Pass Fare from \$17.00 to \$30.00.

The motion **LOST** by the following vote: AYES: Camp, Hornung; NAYS: Carroll, Cook, Emery, Eskridge, Schimek.

Second Question: To amend the HandiVan 31-Day Pass Fare from \$34.00 to \$60.00.

CAMP Withdrew that part of his motion to amend.

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

A-86942 WHEREAS, pursuant to Section 2.38.100 of the Lincoln Municipal Code, the StarTran Advisory Board has made recommendations regarding increases/decreases in the StarTran Fare Structure; and

WHEREAS, the City Council, pursuant to said Code Section, must review all recommendations and take final action thereon.

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

1. That the City Council, upon review of the recommendations of the StarTran Advisory Board, hereby accepts and adopts the following changes to the StarTran fare structure to be effective October 1, 2012:

<u>FARE CATEGORY</u>	<u>EXISTING FARE</u>	<u>PROPOSED FARE</u>
Regular 31-Day Pass	\$45.00	\$16.00 <u>\$17.00</u>
HandiVan 31-Day Pass	\$90.00	\$32.00 <u>\$34.00</u>
Star Shuttle Fare	\$0.25	\$0.50 <u>\$0.25</u>
Transfers	Free	\$0.25 <u>Free</u>

2. That the City Council, upon review of the recommendations of the StarTran Advisory Board, hereby accepts and adopts the following changes to the StarTran fare structure to be effective August 15, 2013:

<u>FARE CATEGORY</u>	<u>EXISTING FARE</u>	<u>PROPOSED FARE</u>
Big Red Shuttle Service	\$4.00	\$5.00

BE IT FURTHER RESOLVED that, upon the effective dates of the fare structures set forth above, any resolution relating to said fares shall be superseded.

Introduced by Jon Camp

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

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) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86943 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 2012 and November 2013, the following schedules of water use charges are 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.

	Effective November, 2012	Effective November, 2013
100 to 800 cubic feet	\$1.344	\$1.344
801 to 2,300 cubic feet	1.911	1.911
2,301 cubic feet and up	2.961	2.961

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:

	Effective November, 2012	Effective November, 2013
100 to 8,000 cubic feet	\$1.344	\$1.344
8,001 cubic feet and up	1.911	1.911

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:

	Effective November, 2012	Effective November, 2013
Base and below (per 100 cubic feet)	127.6	127.6
Water usage 5%- 15% above base (per 100 cubic feet)	132.3	132.3
Water usage 15% - 25% above base (per 100 cubic feet)	136.5	136.5
Water usage over 25% above base (per 100 cubic feet)	140.7	140.7

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:

	Effective November, 2012	Effective November, 2013
Water Meter Size	Service Charge	Service Charge
5/8 inch	\$3.60	\$3.80
5/8 x 3/4 inch	4.55	5.75
3/4 inch	4.55	5.75
1 inch	7.60	9.60
1-1/2 inch	15.15	19.15
2 inch	24.25	30.65
3 inch	45.50	57.50
4 inch	75.85	95.85
6 inch	151.65	191.65
8 inch	242.65	306.65
10 inch	348.85	440.85

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-86439, adopted by the City Council on August 8, 2011, is hereby superseded.

Introduced by Jon Camp

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

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) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86944 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 2012 and November 2013 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, the Director 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:

	Effective November, 2012	Effective November, 2013
Water Meter Size	Service Charge	Service Charge
5/8 inch	\$1.55	\$1.65
3/4 inch	2.30	3.20
1 inch	3.85	5.70
1-1/2 inch	7.65	11.30
2 inch	12.25	18.10
3 inch	23.00	34.00
4 inch	38.35	56.70
6 inch	76.65	113.30
8 inch	122.65	181.30
10 inch	176.35	260.70

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-86440, adopted by the City Council on August 8, 2011, is hereby superseded.

Introduced by Jon Camp

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

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) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

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A-86945 WHEREAS, the City Council is authorized, pursuant to Section 8.32.100 of the Lincoln Municipal Code, to establish or revise, by resolution, fees to be charged to any person for the privilege of using any public landfill or other waste disposal facility owned by the City, and;

WHEREAS, the City Council deems it necessary to revise the fees for use of the City's public landfill and other waste disposal facilities as last revised by Resolution No. A-83985 passed by the City Council on August 21, 2006;

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

That effective September 1, 2013, the following schedules of use charges are hereby established and adopted:

SCHEDULE A - Small Vehicle Transfer Station

FLAT FEE SCHEDULE

The following rates shall be applied to all vehicles having a one-ton rating or less, with a cargo height of 5 feet or less; and trailers with a flatbed carrying size of 60 square feet or less, with a cargo height of 5 feet or less using the Small Vehicle Transfer Station:

Cars per vehicle trip\$3.00
Passenger Vehicles per vehicle trip\$6.00
Cargo Vehicles per vehicle trip\$11.00
Trailers per vehicle trip\$11.00
Any above vehicle and trailer per vehicle trip\$14.00

Any uncovered load will be assessed an additional amount equal to 50% of the charge for such load.

SCHEDULE B - Municipal Solid Waste Landfill

COMPUTED (WEIGHED) RATE SCHEDULE

The following rate shall be applied to all vehicles greater than one-ton rating, trailers with a flatbed carrying size of greater than 60 square feet, and all vehicles and trailers regardless of weight or size with a cargo height of greater than 5 feet using the Municipal Solid Waste Landfill on a load weight basis as follows:

\$16.00 Per Ton

The minimum charge shall be equal to the per ton rate of \$16.00. For periods that the scale is inoperative, the rate charged shall be \$5.20 per cubic yard. Any uncovered load will be assessed an additional amount equal to 50% of the computed charge for such load. The minimum fee for uncovered loads shall be \$50.00.

SCHEDULE C - Compost Facility

FLAT FEE SCHEDULE

The following rates shall be applied to all vehicles having a one-ton rating or less, with a cargo height of 5 feet or less; and trailers with a flatbed carrying size of 60 square feet or less, with a cargo height of 5 feet or less using the Compost Facility:

Cars per vehicle trip	\$3.00
Passenger Vehicles per vehicle trip	\$6.00
Cargo Vehicles per vehicle trip\$11.00
Trailers per vehicle trip\$11.00
Any above vehicle and trailer per vehicle trip\$14.00

Any uncovered load will be assessed an additional amount equal to 50% of the charge for such load.

COMPUTED (WEIGHED) RATE SCHEDULE

The following rate shall be applied to all vehicles greater than a one-ton rating, trailers with a flatbed carrying size of greater than 60 square feet and all vehicles and trailers regardless of weight or size with a cargo height of greater than 5 feet using the Compost Facility on a load weight basis as follows:

\$15.75 Per Ton

The minimum charge shall be equal to the per ton rate of \$15.75. For periods that the scale is inoperative, the rate charged shall be \$8.00 per cubic yard. Any uncovered load will be assessed an additional amount equal to 50% of the computed charge for such load. The minimum fee for uncovered loads shall be \$50.00.

SCHEDULE D - Construction and Demolition Debris Landfill

FLAT RATE SCHEDULE

The following rates shall be applied to all vehicles having a one-ton rating or less, with a cargo height of 5 feet or less; and trailers with a flatbed carrying size of 60 square feet or less, with a cargo height of 5 feet or less using the Construction and Demolition Debris Landfill:

Cars per vehicle trip	\$4.00
Passenger Vehicles per vehicle trip	\$4.00
Cargo Vehicles per vehicle trip	\$4.00
Trailers per vehicle trip	\$4.00
Any above vehicle and trailer per vehicle trip	\$4.00

COMPUTED (WEIGHED) RATE SCHEDULE

The following rate shall be applied to all vehicles greater than a one-ton rating, trailers with a flatbed carrying size of greater than 60 square feet, all vehicles and trailers regardless of weight or size with a cargo height of greater than 5 feet using the Construction and Demolition Debris Landfill on a load weight basis:

\$4.00 Per Ton

The minimum charge shall be equal to the per ton rate of \$4.00. For periods that the scale is inoperative, the rate charged shall be \$4.00 per cubic yard.

SCHEDULE E - Special Wastes

1. Special Wastes as defined by Municipal Code 8.32.080
 - 1a. Special Wastes landfilled directly with other refuse at time of disposal Schedule B per ton rate plus \$5.00 per permit administrative fee
Minimum Charge (1 ton rate plus \$5.00) \$21.00
 - 1b. Special Wastes requiring segregation from other refuse at time of disposal (including, but not limited to, asbestos containing materials) Schedule B per ton rate plus \$25.00 per load special handling fee
Minimum Charge (1 ton rate plus \$25.00). \$41.00
 - 1c. Cars, Passenger Vehicles, Cargo Vehicles and Trailers as defined in
Schedule A with Special Wastes. Applicable Schedule A fee plus \$5.00 per permit administrative fee

SCHEDULE F - Special Fees

1. All whole and processed tires (portions of tires)
 - 1a. Car passenger tire or light truck tire \$3.00 each plus applicable Schedule A or Schedule B fees
 - 1b. Heavy (over-the-road) truck tire \$6.50 each plus applicable Schedule A or Schedule B fees
 - 1c. Farm or industrial (off-road) tire \$11.50 each plus applicable Schedule A or Schedule B fees
2. All appliances prohibited from land disposal \$5.00 each plus applicable Schedule A or Schedule B fees
3. The following fee shall be assessed for wastes which are unacceptable, including but not limited to out-of-county wastes, or prohibited from land disposal, if they are found to exist in a load and the vehicle driver fails to remove the waste or place the waste in the designated areas.
Unacceptable waste loads rejected \$50.00 per occurrence
The Director of Public Works & Utilities shall have the authority to negotiate for and collect fees on any wastes that may require unusual or special handling considerations other than those wastes addressed herein. The Director of Public Works & Utilities shall have the authority to issue rules and regulations which further define vehicle types, uncovered loads, unacceptable wastes and other policies for the City's solid waste disposal facilities and operations.

The Mayor shall have the authority to waive all or any portion of the scheduled fees in the event of an emergency or natural disaster which creates the need for immediate disposal of wastes resulting from such emergency.

BE IT FURTHER RESOLVED that Resolution No. A-83985, adopted by the City Council on August 21, 2006, is hereby superseded.

Introduced by Jon Camp

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

REGULAR MEETING

August 8, 2012

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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) - PRIOR to reading:

COOK Moved that the General Fund Contingency appropriation be reduced by \$25,000

due to the reduction in projected revenue from not implementing the vehicle extrication fee.

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

EMERY Moved to accept the Adjustments to the Joint Budget Committee (JBC) Agencies.

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

CARROLL Moved that the final tax rate be set at .31580 for 2012-13 as proposed in the Mayor's budget and any revenue changes caused by a variance from the 3.5% increase projected in the Mayor's budget in the final valuations from the County Assessor be offset by the amount of appropriated balances utilized to fund the 2012-13 fiscal year.

Seconded by Eskridge.

CAMP Moved to move excess valuation to the Police & Fire Pension Fund.

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

Main Motion was carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

CAMP Moved that in the Landfill Enterprise Fund, the methane gas revenues stay there and be used for the landfill portion and not to offset losses that might be incurred because of the Federal grant declining for the sustainability position.

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

ADJOURNMENT 4:12 P.M.

CAMP Moved to adjourn the City Council meeting of August 8, 2012.

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

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Office Specialist