

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 10, 2011 AT 5:30 P.M.**

The Meeting was called to order at 5:30 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

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of August 8, 2011 reported having done so, found same correct.

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

NO PUBLIC HEARING ON THIS DATE

**COUNCIL PROPOSES FINAL ADJUSTMENTS TO 2011/12 OPERATING BUDGET AND
CAPITAL IMPROVEMENT PROGRAM 2011/12 - 2016/17 (BILL NO. 11R-180)**

ADOPTING THE 2011/12 CITY OF LINCOLN ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FY 2016/17 (Action Date: 8/22/11) - Steve Hubka, Budget Officer, stated the purpose of this meeting is to get City Council's final direction on how to prepare the final budget resolution to be adopted on August 22, 2011. We have some items from the Administration and we would like to get those in. Let me know how you want to proceed.

First page it says tax funds, small dollar items, we have some final amounts from the County, three agencies (County) \$3,213.00. The last time you made motions that left \$96,000.00 of revenue that had not been all allocated to anything else. This needs to reduce that amount of money. In the Mayor's budget, there was a significant shifting of street funding. When we introduced the Mayor's budget we had not allocated that money to streets and highways. Here we have an allocation that will put that into the CIP. Increase in wheel tax, effective date 10/1/11. Snow removal out of street construction \$1.5 million will go back to street/highway CIP. Then the wheel tax previously to snow removal so that adds up to \$3,782,604. This would appropriate that into the Street and Highway CIP. The last item we have is a final debt service number on special assessment bond reducing the amount budgeted for debt service.

Camp asked about the non tax funds in Public Works section, you said there was \$1.5 million of street construction reduced to \$820,000?

Hubka said that was the money in P&R CIP, the shifting of resources for that.

COOK Moved side 1 and side 2 of the Administration's list setting forth the changes of the Administration.

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

EMERY Made a motion to put back the Saturday hours.

Getting those dollars to raise the fee from \$7.50 to \$10.00 and get the rest from the ideas submitted by the drivers of the busses and others. Get those dollars from somewhere other than operations. Greg MacLean said this motion would go back to the StarTran Advisory Board and would have to give notice and a quorum of Board members present. This was made a formal motion, seconded by Snyder. City Attorney, Rod Confer said making this motion and sending this back to the StarTran Advisory Board for their recommendation; this may be difficult to get accomplished for the formal budget adoption, but the Board could consider this. Rick Hoppe said this would not have to be done by the 22nd (8/22) as long as your intent is clear to the StarTran Board.

Hornung clarified the hours of Saturday service. \$55,000 approx. from raising the rates. Approx. \$86,000 and instruct this not come out of operational funds. Multiple ideas and this is similar to those made to the libraries. MacLean said his department would have to look at all the routes and all the riders.

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

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- EMERY Moved to add the \$200,000 to LPED/Roller Skating. \$93,733 from other Council Actions, \$106,267 from the Fast Forward Fund.
Snyder was in agreement with Emery saying we are to move forward with economic development. Hubka said this is where we put money for roller skating. Emery said to be clear this is not for roller skating; however Hubka clarified every other year, the Roller Skating event comes to this city. Eskridge was in favor of economic development.
Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder.
Camp asked Hubka to go over the list of items/funds & balances that I sent to you earlier today. Hubka responded there were 3 pages of single spaced items, where should he begin?
- CARROLL Called for any motions.
Camp questioned if there were any balances in the "rainy day" fund. Hubka said every one of the funds has a purpose and are restrictive. The completed audit and the report, there were 4 recommendations: Library Funds, Snow Removal Funds, KENO funds (designated by ordinance) and the Insurance Revolving Fund. There are not large amounts of funds to be used for general operation of the city.
- CAMP Moved to take \$1.2 million from Cash Reserve to General Fund.
Seconded by Hornung & **LOST** by the following vote: AYES: Camp, Hornung; NAYS: Carroll, Cook, Emery, Eskridge, Snyder.
- CAMP Moved to direct combined Public Safety Dept. through Director Casady's discretion to find \$1 million in savings.
Seconded by Hornung & **LOST** by the following vote: AYES: Camp; NAYS: Carroll, Cook, Emery, Eskridge, Hornung, Snyder.
- CAMP Moved to delete \$650,000 for new parking meters and \$500,000 for new signs in city-owned parking garages. The funds are in the Enterprise Fund.
Seconded by Hornung & **LOST** by the following vote: AYES: Camp, Hornung; NAYS: Carroll, Cook, Emery, Eskridge, Snyder.
- CAMP Moved to reduce the Information Services budget by \$500,000 and to do so at that department's discretion.
Seconded by Hornung & **LOST** by the following vote: AYES: Camp, Hornung; NAYS: Carroll, Cook, Emery, Eskridge, Snyder.
- HORNUNG Moved to eliminate the increase in the wheel tax. Seconded by Camp.
- HORNUNG Withdrew the motion.
- HORNUNG Moved to eliminate the property tax increase.
Seconded by Camp & **LOST** by the following vote: AYES: Camp, Hornung; NAYS: Carroll, Cook, Emery, Eskridge, Snyder.

COUNCIL ACTION

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 first time.

- SNYDER Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: Camp.
The ordinance, being numbered **#19594**, is recorded in Ordinance Book #27, Page .

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) - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-86445 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That, pursuant to Lincoln Municipal Code Section 10.44.030, a towing fee of Fifty and No/100th Dollars (\$50.00) is hereby established for vehicles held in the automobile pound of the City, which shall be in addition to any towing fee or other fees charged by any contractor for towing services or storage.

Introduced by Jayne Snyder

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

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 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 8/8; ACTION ON 8/10/11) - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 11-116 in the following manner:

1. On page 1, line 20, strike the word "September" and insert in lieu thereof October.

2. On page 2, line 6, strike the word "September" and insert in lieu thereof October.

3. On page 2, line 16, strike the word "September" and insert in lieu thereof October.

4. On page 7, line 24, strike the word "September" and insert in lieu thereof October.

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

CLERK Read an ordinance, introduced by Jayne Snyder, 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 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 third time.

HORNUNG Moved to split the Main Motion. Seconded by Emery.

To raise the vehicle tax. Motion carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Snyder; NAYS: Camp, Hornung.

Revisions to §3.20.220. Motion carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Snyder; NAYS: Camp, Hornung.

The ordinance, being numbered **#19595**, is recorded in Ordinance Book #27, Page .

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 8/8; 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 third time.

SNYDER Moved to pass the 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 **#19596**, is recorded in Ordinance Book #27, Page .

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

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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 8/8; 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 fourth-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 per cent (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; and repealing Section 4.24.070 of the Lincoln Municipal Code as hitherto existing, the third time.

SNYDER Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: Camp.
The ordinance, being numbered #19597, is recorded in Ordinance Book #27, Page .

ADJOURNMENT 6:37 P.M.

CAMP Moved to adjourn the City Council meeting of August 10, 2011.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: None.

Joan E. Ross, City Clerk