

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 21, 2006 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Newman; Council Members: Cook, Camp, Eschliman, Marvin, McRoy, Svoboda; City Clerk, Joan E. Ross.

Council Chair Newman asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of August 14, 2006, reported having done so, found same correct.

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

PUBLIC HEARING

APPLICATION OF NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8610 FOR A CLASS C LIQUOR LICENSE AT 2711 S. 48TH STREET;

MANAGER APPLICATION OF DON WESTERLIN FOR NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8610 AT 2711 S. 48TH STREET.;

APPLICATION OF NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8615 FOR A CLASS C LIQUOR LICENSE AT 1401 SUPERIOR STREET.;

MANAGER APPLICATION OF DON WESTERLIN FOR NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8615 AT 1401 SUPERIOR STREET;

APPLICATION OF NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8616 FOR A CLASS C LIQUOR LICENSE AT 5500 S. 56TH STREET.;

MANAGER APPLICATION OF DON WESTERLIN FOR NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8616 AT 5500 S. 56TH STREET;

APPLICATION OF NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8626 FOR A CLASS C LIQUOR LICENSE AT 130-B N. 66TH STREET;

MANAGER APPLICATION OF DON WESTERLIN FOR NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8626 AT 130-B N. 66TH STREET - Don Westerlin, 3906 Village Court, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF HOEKED LLC DBA THE SIDETRACK TAVERN FOR A CLASS C LIQUOR LICENSE AT 935 O STREET;

MANAGER APPLICATION OF JOYCE DURAND FOR HOEKED LLC DBA THE SIDETRACK TAVERN AT 935 O STREET - Jeanette Stull, Perry, Guthery, Haase & Gessford, 233 S. 13th St., Ste. 1400, came forward representing the applicant to take oath and answer questions. Discussion followed.

Russ Fosler, LPD Investigator, came forward to clarify the premises.

This matter was taken under advisement.

AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY (LESSEE) AND THE AIRPORT AUTHORITY (LESSOR) FOR LAND AND A FIRE STATION FOR A PERIOD OF 31 YEARS WITH AN ADDITIONAL TERM OF 30 YEARS; RENT TO BE PAID IN ACCORDANCE WITH THE TERMS OF THE INTERLOCAL AGREEMENT.;

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE AIRPORT AUTHORITY AUTHORIZING THE AIRPORT AUTHORITY TO BUILD A FIRE STATION AND ASSOCIATED FACILITIES ON LAND TOTALING APPROXIMATELY 42,400 SQUARE FEET, TO LEASE SUCH PROPERTY TO THE CITY THROUGH A LONG TERM LEASE AGREEMENT, AND SETTING THE RENT BASED ON THE FINAL COST OF THE BUILDING(S) NOT TO EXCEED \$7,389 PER MONTH - Don Herz, Director of Finance, came forward to answer questions. Discussion followed.

Dana Roper, City Attorney, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

ADOPTING THE CITY OF LINCOLN 2006-2007 ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2006/07 - 2011/12 - Steve Hubka, Budget Officer, came forward to announce the actual tax rates based on valuations from this morning's figures. Discussion followed.

This matter was taken under advisement.

ESTABLISHING A NEW SCHEDULE FOR SOLID WASTE USER CHARGES FOR THE LINCOLN SOLID WASTE AREA;

APPROVING DISPOSAL FEES AND MINIMUM LOAD FEES FOR DISPOSAL OF SPECIAL LIQUID WASTES TRANSPORTED BY VEHICLE TO AND PROCESSED BY THE LIQUID WASTE DUMP STATION AT THE THERESA STREET WASTEWATER TREATMENT FACILITY AND CHANGING THE NORMAL OPERATING HOURS AND EXTENDED HOURS OF OPERATION FOR THE LIQUID WASTE DUMP STATION FACILITIES OF THE LINCOLN WASTEWATER SYSTEM - Margaret Remmenga, Public Works & Utilities Business Manager, came forward to explain the purpose of this Resolution. Discussion followed.

Steve Masters, Public Utilities Administrator, came forward to explain the purpose of this Resolution.

This matter was taken under advisement.

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FISCAL YEAR 2006-2007 THROUGH FISCAL YEAR 2011 - 2012;

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FISCAL YEAR 2006-2007 THROUGH FISCAL YEAR 2011 - 2012 - Margaret Remmenga, Public Works & Utilities Business Manager, came forward to explain the purpose of this Resolution. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR JOINT ANTELOPE VALLEY AUTHORITY (JAVA) PROJECT CONTRACT PER CITY ORDINANCE WHEN FUNDING APPROPRIATIONS COMES FROM MORE THAN ONE FISCAL YEAR CIP FOR CITY PROJECT 780105, ANTELOPE VALLEY P & Q STREET BRIDGES - Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer questions.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8610 FOR A CLASS C LIQUOR LICENSE AT 2711 S. 48TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83974 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 Nebraska CVS Pharmacy LLC dba CVS/Pharmacy #8610 for a Class "C" liquor license at 2711 S. 48th Street, Lincoln, Nebraska, for the license period ending October 31, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF DON WESTERLIN FOR NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8610 AT 2711 S. 48TH STREET. - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83975 WHEREAS, Nebraska CVS Pharmacy LLC dba CVS/Pharmacy #8610 located at 2711 S. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Don Westerlin be named manager;

WHEREAS, Don Westerlin appears to be a fit and proper person to manage said business.

NOW, THEREFORE, 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 Don Westerlin be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8615 FOR A CLASS C LIQUOR LICENSE AT 1401 SUPERIOR STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83976 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 Nebraska CVS Pharmacy LLC dba CVS/Pharmacy #8615 for a Class "C" liquor license at 1401 Superior Street, Lincoln, Nebraska, for the license period ending October 31, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF DON WESTERLIN FOR NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8615 AT 1401 SUPERIOR STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83977 WHEREAS, Nebraska CVS Pharmacy LLC dba CVS/Pharmacy #8615 located at 1401 Superior Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Don Westerlin be named manager;

WHEREAS, Don Westerlin appears to be a fit and proper person to manage said business.

NOW, THEREFORE, 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 Don Westerlin be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8616 FOR A CLASS C LIQUOR LICENSE AT 5500 S. 56TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83978 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 Nebraska CVS Pharmacy LLC dba CVS/Pharmacy #8616 for a Class "C" liquor license at 5500 S. 56th Street, Lincoln, Nebraska, for the license period ending October 31, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REGULAR MEETING

August 21, 2006

Page 668

MANAGER APPLICATION OF DON WESTERLIN FOR NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8616 AT 5500 S. 56TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83979 WHEREAS, Nebraska CVS Pharmacy LLC dba CVS/Pharmacy #8616 located at 5500 S. 56th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Don Westerlin be named manager;

WHEREAS, Don Westerlin appears to be a fit and proper person to manage said business.

NOW, THEREFORE, 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 Don Westerlin be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8626 FOR A CLASS C LIQUOR LICENSE AT 130-B N. 66TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83980 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 Nebraska CVS Pharmacy LLC dba CVS/Pharmacy #8626 for a Class "C" liquor license at 130-B N. 66th Street, Lincoln, Nebraska, for the license period ending October 31, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF DON WESTERLIN FOR NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY #8626 AT 130-B N. 66TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83981 WHEREAS, Nebraska CVS Pharmacy LLC dba CVS/Pharmacy #8626 located at 130-B N. 66th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Don Westerlin be named manager;

WHEREAS, Don Westerlin appears to be a fit and proper person to manage said business.

NOW, THEREFORE, 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 Don Westerlin be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF HOEKED LLC DBA THE SIDETRACK TAVERN FOR A CLASS C LIQUOR LICENSE AT 935 O STREET - PRIOR to reading:

MARVIN Moved to amend the Class C liquor license of Hoeked, LLC dba The Sidetrack Tavern to include the basement of the premises at 935 O Street.

SVOBODA Moved a friendly amendment to include only the liquor storage area of the basement of the premises at 935 O Street.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read the following amended resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83982 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 Hoeked LLC dba The Sidetrack tavern for a Class "C" liquor license at 935 O Street, Lincoln, Nebraska, for the license period ending October 31, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF JOYCE DURAND FOR HOEKED LLC DBA THE SIDETRACK TAVERN AT 935 O STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83983 WHEREAS, Hoeked LLC dba The Sidetrack Tavern located at 935 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Joyce Durand be named manager;

WHEREAS, Joyce Durand appears to be a fit and proper person to manage said business.

NOW, THEREFORE, 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 Joyce Durand be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SIFU, INC. DBA 2020 CONVENIENCE STOP FOR A CLASS D LIQUOR LICENSE AT 2020 O STREET - PRIOR to reading:

CAMP Moved to have Public Hearing & Action delayed on the App. of Sifu, Inc., dba 2020 Convenience Stop for a Class D liquor license for one week to 8/28/06.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF SINH V. CHAU FOR SIFU, INC. DBA 2020 CONVENIENCE STOP AT 2020 O STREET - PRIOR to reading:

CAMP Moved to have Public Hearing & Action delayed on the Man. App. of Sinh V. Chau for Sifu, Inc., dba 2020 Convenience Stop for one week to 8/28/06.

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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

AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY (LESSEE) AND THE AIRPORT AUTHORITY (LESSOR) FOR LAND AND A FIRE STATION FOR A PERIOD OF 31 YEARS WITH AN ADDITIONAL TERM OF 30 YEARS; RENT TO BE PAID IN ACCORDANCE WITH THE TERMS OF THE INTERLOCAL AGREEMENT. (RELATED ITEMS: 06-142, 06R-157) - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and the Airport Authority of the City of Lincoln, Nebraska for a lease of a commercial building and grounds in Lincoln Air Park West for a term of August 1, 2006 through July 31, 2037, the second time.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE AIRPORT AUTHORITY AUTHORIZING THE AIRPORT AUTHORITY TO BUILD A FIRE STATION AND ASSOCIATED FACILITIES ON LAND TOTALING APPROXIMATELY 42,400 SQUARE FEET, TO LEASE SUCH PROPERTY TO THE CITY THROUGH A LONG TERM LEASE AGREEMENT, AND SETTING THE RENT BASED ON THE FINAL COST OF THE BUILDING(S) NOT TO EXCEED \$7,389 PER MONTH. (RELATED ITEMS: 06-142, 06R-157) (ACTION DATE:

8/28/06) - CLERK read an ordinance, introduced by Jonathan Cook, that the Interlocal Agreement between the City of Lincoln and the Lincoln Airport Authority to construct a fire station on leased premises located in Lincoln Air Park West for a 30-year term, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City, the second time.

RESOLUTIONS

ADOPTING THE CITY OF LINCOLN 2006-2007 ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2006/07 - 2011/12 - CLERK read the following substitute resolution, introduced by Ken Svoboda, who moved its adoption:

A-83984 WHEREAS, under the provisions of Section 25 and 25a of Article IX of the Charter of the City of Lincoln, the proposed annual budget for the City of Lincoln was submitted on June 26, 2006; and

WHEREAS, under the provisions of Section 26 of Article IX of the City Charter, a public hearing on the proposed budget was held on August 7, 2006 notice thereof having been published in one issue of the Lincoln Journal Star, a newspaper of general circulation in the City, more than five days before such hearing; and

WHEREAS, all necessary changes have been made as to revenue estimates and appropriation items.

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

1. That pursuant to the provisions of Article IX of the Charter of the City of Lincoln, the budget for the fiscal year beginning September 1, 2006, a copy of which is hereto attached and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and the several sums therein set forth to be raised by the levy of a tax upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, the estimated balances on hand, the miscellaneous receipts and all other funds and receipts are hereby appropriated for the several purposes therein stated. That all money received in any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

2. The City Council, by adoption of the Capital Improvement Program on Schedule 5 of this resolution, hereby authorizes the acquisition of all necessary right-of-way, easements, or other interest in land, by purchase if possible, by condemnation if necessary, for those projects included within the first year of said Capital Improvement Program.

3. Pursuant to Section 2 of L.B. 989 passed by the Second Session of the Ninety-Fifth Legislature, the City is authorized to increase budgeted restricted funds by the basic allowable growth percentage of the base (2.5%) and allowable growth due to 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 above 2.5% expressed in dollars and to utilize other lid exemptions authorized in L.B. 989. Such increase is hereby authorized to the extent necessary to generate the revenues to fund the budget, and any unused restricted funds authority is hereby authorized to be carried forward to future budget years.

4. Pursuant to the agreement for the provision of services related to the emergency medical care system in Lincoln, Nebraska, the annual budget for Emergency Medical Services, Inc. a copy of which is attached hereto, labeled Schedule 6, is hereby approved.

5. There is hereby appropriated all money now credited or which will be credited to any Internal Service Fund, Trust Fund, Agency Fund, and Enterprise Fund, now or heretofore created, notwithstanding any sum limitations set forth in the budget attached hereto.

6. There is hereby appropriated all money now credited or which will be credited to the Building and Safety Fund notwithstanding any sum limitation set forth in the budget attached hereto.

7. There is hereby appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions

received for public purposes and the interest earned thereon, notwithstanding any sum limitations set forth in the budget attached hereto.

8. There is hereby appropriated all money received from the interest income on the investments of all authorized bond issue proceeds including bond anticipation notes for the purposes for which said bonds and notes have been authorized to be issued, notwithstanding any sum limitations set forth in the budget attached hereto.

9. There is hereby appropriated in the Worker's Compensation Loss Revolving Fund all amounts included in the budget for Worker's Compensation benefits, together with any recoveries on account of subrogation interests, from which fund all losses and costs incidental to the administration of such losses shall be paid, notwithstanding any sum limitations set forth in the budget attached hereto.

10. There is hereby appropriated to the credit of the Social Security Fund and Payroll Liability Account, in addition to the tax levied therefor, any money deducted from employees' salaries and wages together with any departmental contributions in non-tax supported funds, notwithstanding any sum limitations set forth in the budget attached hereto.

11. There is hereby appropriated all money now credited or which will be credited to the Self-Insured Health Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

12. There is hereby appropriated cash balances credited to the Health Care Fund, notwithstanding any sum limitation set forth in the budget attached hereto, for payment as needed to provide health care benefits to City employees.

13. There is hereby appropriated all money now credited or which will be credited to the Snow Removal Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

14. There is hereby appropriated all money now credited or which will be credited to the Vehicle Tax Construction Fund created by Section 3.20.220 of the L.M.C. (Vehicle Tax for street improvements) notwithstanding any sum limitation set forth in the budget attached hereto.

15. There is hereby appropriated all money now credited or which will be credited to the Unemployment Insurance Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

16. All receipts for on street parking meter collections are pledged toward the payment of bonds assigned for payment from the Parking Revenue Fund. Parking meter receipts in excess of those required to meet provisions of the bond covenants shall be credited to the General Fund up to the amounts budgeted.

17. There is hereby appropriated all money now credited or which will be credited to the Parking Lot Revolving Fund to be used for designing, acquiring, constructing, maintaining, repairing, regulating, supervising and policing of City owned parking lots and facilities in accordance with L.M.C. Chapter 10.34 and Chapter 10.36, notwithstanding any sum limitations set forth in the budget attached hereto.

18. There is hereby appropriated to the Street Construction Fund all monies received as the City's share of the Highway Allocation Fund and the Grade Crossing Protection Fund, together with any other Federal, State, and County funds, received for street construction purposes, any reimbursements and matching funds, including Federal Road Funds, all of which monies are hereby appropriated and reappropriated for all purposes as authorized by State laws pertaining to such funds, notwithstanding any sum limitations set forth in the budget attached hereto.

19. There is hereby appropriated in the Special Assessment Revolving Fund all monies in said fund for expenditures as authorized by Article VIII of the City Charter, Section 10a and all money received to the credit of the Special Assessment Revolving Fund including bond proceeds, grants, donations, special assessment collections, and City participation deemed necessary by the City Council, notwithstanding any sum limitations set forth in the budget attached hereto.

20. There is hereby appropriated all money now credited or which will be credited in the Advance Acquisition Fund as provided in Article IX B, Section 12 of the City Charter, notwithstanding any sum limitation set forth in the budget attached hereto.

21. There is hereby appropriated all money now credited or which will be credited to the 911 Communication Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

22. There is hereby appropriated all money now credited or which will be credited to the Auditorium Promotion Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

23. There is hereby appropriated all money now credited or which will be credited to the Arbitrage Rebate Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

24. There is hereby appropriated all money now credited or which will be credited to the Tax Sale Revolving Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

25. There is hereby appropriated all money now credited or to be credited in the City Aviation Promotion Fund as provided in Neb. Rev. Stat. Section 3-504.02 (1991), notwithstanding any sum limitation set forth in the budget attached hereto.

26. There is hereby appropriated KENO proceeds for mandated payments, and 1% for administrative fees.

27. There is hereby appropriated all money in the Cable Access Television Fund, notwithstanding any sum limitations set forth in the budget attached hereto.

28. There is hereby appropriated all monies now credited or which will be credited to the Community Improvement Financing Fund and all Tax Allocation Bond Debt Service funds, notwithstanding any sum limitations set forth in the budget attached hereto.

29. There is hereby appropriated all money now credited or which will be credited to the Disaster Recovery Fund, notwithstanding any sum limitation set forth in the budget attached hereto, for paying disaster related expenditures or for reimbursement to other City funds which have made disaster related expenditures for which reimbursement from outside sources has been received or as otherwise appropriated.

30. There is hereby appropriated all money now credited or which will be credited to the Property Tax Refund Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

31. There is hereby appropriated all money now credited or which will be credited to the Title V Clean Air fund notwithstanding any sum limitation set forth in the budget attached hereto.

32. There is hereby appropriated all money now credited or which will be credited to the Impact Fees Fund notwithstanding any sum limitation set forth in the budget attached hereto.

33. There is hereby levied upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, upon each one hundred dollars of approximate market value thereof, taxes in an amount sufficient to generate funds for the purposes and in the amounts hereinafter named, to-wit:

	Appropriated <u>Amount-90%</u>	Total Tax As <u>Levied-100%</u>	Per \$100 <u>Market Value</u>
General	\$23,289,865	\$25,877,628	0.16867
Library	\$ 5,901,516	\$ 6,557,240	0.04274
Social Security	\$ 1,869,596	\$ 2,077,329	0.01354
Police & Fire			
Pension	\$ 2,870,672	\$ 3,189,636	0.02079
Bond and Interest			
Redemption	\$ 5,195,931	\$ 5,773,257	0.03763

34. There is hereby authorized the transfer to the appropriate reserve accounts of all encumbrances, including accrued payroll, for the fiscal year ending August 31, 2006, together with any monies previously so reserved.

35. Any unexpended balance remaining in the Police and Fire Pension Fund is reappropriated pursuant to Lincoln Municipal Code, Chapters 2.62, 2.65 and 2.66, notwithstanding any sum limitation set forth in the budget attached hereto.

36. All previous capital appropriations are hereby continued and reappropriated pursuant to Section 27 of Article IX of the Charter of the City of Lincoln, except the unexpended balance remaining in any fully completed project shall be credited to the unappropriated surplus in the fund from which such project was funded.

37. There is hereby designated and appropriated General Fund cash balances in an amount equal to the debt service falling due during the fiscal year for the Golf Course Revenue Bonds issued in 2001 for the purpose of providing for the payment of the principal and interest on such bonds, as they become due, if and to the extent that amounts credited to the Golf Revenue Fund are insufficient and to the extent that such General Fund cash balances are available.

38. There is hereby designated and appropriated General Fund cash balances to pay operation and maintenance expenses for solid waste management in an amount sufficient to produce net revenues equal to 110% of the annual debt service due and payable in such fiscal year on the Solid Waste Management Revenue Bonds issued in 2006 if and to the extent the net revenues in such fiscal year are less than 125% of the annual debt service due and payable in such fiscal year and to the extent that such General Fund cash balances are available.

39. Per resolution A-82134 passed by the City Council on June 9, 2003 establishing an unreserved fund balance policy for the City, the General Fund unreserved fund balance as of the last audited financial statements as of August 31, 2005 was \$28,605,186. This August 31, 2005 unreserved balance is 25.4% of the General Fund budget for 2006-07 of \$112,845,149 included in this resolution. The August 31, 2005 unreserved balance was 5.4% greater than the 20% goal for such balance set by Resolution A-82134.

40. The pension and FICA benefits for the 27th pay period in F.Y. 2005-06 are hereby reappropriated up to the amounts shown on Schedule 7.

41. That the appropriations for the following items be transferred effective August 31, 2006:

<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
From: 18002.5856	General Expense/City Share of Downtown Maint.	\$ 13,394
To: 413536.6137	Urb. Dev. Street Tree Replacement CIP Proj. (also increases 13001.9234 U.D. CIP Transf.)	\$ 13,394
From: 18001.5989	Contingency	\$200,000
To: 06014.5021	Finance/911 Communications/Salaries (also increases 19001.9226)	\$200,000
From: 18002.5621	General Expense/Misc. Contractual	\$ 50,000
To: 79500.5021	Public Works/StarTran/Salaries (also increases 19001.9225)	\$ 50,000

42. That the cash for the following items be transferred effective August 31, 2005:

From: 10005.9220	Personnel/Risk Mgmt./Workers Comp. Fund	\$ 20,000
To: 10011.9140	Personnel/Risk Mgmt./Excess Self Ins. Fund	\$ 20,000

43. That cash and appropriations up to the following amounts for the following items be transferred effective August 31, 2006:

<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
From: 18002.5655	General Expense/Work Study	\$ 19,230
To: 14011.5021	Library/Public Service/Regular Salaries	\$ 2,365
08001.5021	Bldg. & Safety/Regular Salaries	\$ 7,665
12141.5021	Health/Promotion	\$ 5,000
12161.5021	Health/Animal Control/Regular Salaries	\$ 4,200
From: 18002.5251	General Expense/Fuel & Oil	\$100,000
To: 79500.5253	StarTran Fleet/Fuel Oper. Vehicles (also increases 19001.9225)	\$ 33,333
04025.5251	Police/Police Garage/Fuel & Oil	\$ 33,333
79160.5251	P.W. & U/Fleet Services/Fuel & Oil	\$ 33,334

44. That the following unexpended appropriations are reappropriated effective August 31, 2006 up to the following amounts:

<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
01001.5989	City Council/Misc. Other Serv. & Charges	\$ 36,000
18002.5631	General Expense/Data Processing Service (Lifeview HR Self-Help)	\$ 46,690
18002.5856	General Expense/City Share of Downtown Maintenance	\$122,955
18002.5659	General Expense/Peoplesoft Financial System	\$154,082
18002.6024	General Expense/City Share-Impact Fees (Low Income)	\$ 55,684
18002.6027	General Expense/City Share-Impact Fees (Econ. Dev.)	\$ 60,000
06065.6076	Finance/Radio Shop/Misc. Equipment	\$ 23,740
06065.6085	Finance/Radio Shop/Radio Equipment	\$ 58,749
09250.9246	Parks/Unprogrammed KENO Appropriations	\$ 26.10
0402B.5930	Police/Admin. Sup./Facilities Rental	\$ 90,000
0402B.6085	Police/Admin. Sup./Radio Equip.	\$ 24,700
0402B.6069	Police/Admin. Sup./D.P. Equip.	\$ 30,629
0402B.6076	Police/Admin. Sup./Misc. Equip.	\$ 8,500
18002.5621	Gen. Expense/Misc. Contr.	\$175,000
08001.5633	Bldg. & Safety/Admin.	\$ 66,375
12161.5621	Health/Animal Control/Shelter Contract	\$ 19,400
12111.5926	Health/CHS Admin./Rent of Software	\$118,965
70600.6998	Pub. Works & Util./Water/AVL Equip.	\$ 4,058
18002.5970	General Expense/Court & Litigation	\$ 35,059
18002.5642	General Expense/Legal Services	\$100,438
17004.5638	Com. Health Endowment/Grants	\$519,500

45. That unencumbered appropriations from the budget for the fiscal year beginning September 1, 2005 be transferred and reappropriated up to the following amounts effective August 31, 2006:

<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
From: 18002.6144	General Expense/City Share of Spec. Assess.	\$20,000
To: 18002.5865	General Expense/Minor Bldg. & Grounds Improve.	\$20,000
From: 18001.5989	Contingency	\$93,631
To: 18002.9220	Gen. Exp. Cash Transfers Out (Oak Lake Sidewalks #558095)	\$93,631

46. There is hereby appropriated to each departmental operating budget 100% of the unencumbered operating appropriations as shown in the final Appropriation Status Report as of August 31, 2006 up to the amount shown below:

<u>FUND</u>	<u>AMOUNT</u>
General	\$2,400,000
Health	\$ 40,000
Animal Control	\$ 16,000
StarTran	\$ 100,000
Library	\$ 0
Aging	\$ 460,000

In addition, any reimbursements received from FEMA related to expenses incurred for the Hallam tornado clean up are hereby reappropriated to the respective department budgets.

47. There is hereby attached and made a part hereof a listing of all funds of the City of Lincoln which are hereby confirmed and approved.

Introduced by Ken Svoboda

Seconded by McRoy & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: Camp.

ESTABLISHING A NEW SCHEDULE FOR SOLID WASTE USER CHARGES FOR THE LINCOLN SOLID WASTE AREA - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83985 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-82000 passed by the City Council on March 17, 2003;

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

That effective January 1, 2007, 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:

\$14.00 Per Ton

The minimum charge shall be equal to the per ton rate of \$14.00. For periods that the scale is inoperative, the rate charged shall be \$4.55 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) \$19.00
 - 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) \$39.00
 - 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-82000, adopted by the City Council on March 17, 2003, is hereby superseded.

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING DISPOSAL FEES AND MINIMUM LOAD FEES FOR DISPOSAL OF SPECIAL LIQUID WASTES TRANSPORTED BY VEHICLE TO AND PROCESSED BY THE LIQUID WASTE DUMP STATION AT THE THERESA STREET WASTEWATER TREATMENT FACILITY AND CHANGING THE NORMAL OPERATING HOURS AND EXTENDED HOURS OF OPERATION FOR THE LIQUID WASTE DUMP STATION FACILITIES OF THE LINCOLN WASTEWATER SYSTEM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83986 WHEREAS, The City Council is authorized under §17.60.075 of the Lincoln Municipal Code to establish disposal fees and hours of operation for persons permitted to use the Liquid Waste Dump Station Facilities of the Lincoln Wastewater System located at the Theresa Street Wastewater Treatment Facility as part of its Special Waste Disposal Permits Program; and

WHEREAS, the Director of Public Works and Utilities has determined the estimated costs and available resources for compliance monitoring of incoming loads;

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

Hours of Operation

Effective September 1, 2006, except for emergencies or other special circumstances approved by the Director of Public Works/Utilities, the hours of operation of the Liquid Waste Dump Station Facilities shall be as follows:

Day	Normal Hours	Extended Hours
Monday through Friday	Applies To All Wastes 8:00 a.m. to 4:30 p.m.	For Wastes Routed to Grit Processing All Year 6:30 a.m. to 8:00 a.m. Other Wastes All Year 6:30 a.m. to 8:00 a.m. And 4:30 p.m. to 7:30 p.m.
Saturday	8:00 a.m. to Noon	Noon to 4:30 p.m. No Extended Hours For Grit Processing

Day	Normal Hours	Extended Hours
Sunday	Closed	8:00 a.m. to 4:30 p.m. No Extended Hours for Grit Processing
Holidays*	8:00 a.m. to Noon Except No Service On Thanksgiving Day, Christmas Day, and New Year's Day	Noon to 4:30 p.m. Except No Service On Thanksgiving Day, Christmas Day, and New Year's Day Applies to All Wastes
*Holiday shall mean those days observed by the City of Lincoln, as posted in advance at the entrance to the Analytical Laboratory at the Theresa Street Wastewater Treatment Plant.		

Disposal Fees for Normal Hours

Effective January 1, 2007, during those hours designated as normal hours above, the following disposal fees shall be charged for use of the City's Liquid Waste Dump Station Facilities or other designated locations for the disposal of Special Wastes determined to be conditionally acceptable under the provisions of § 17.58.135 of the Lincoln Municipal Code:

Wastes Routed to Anaerobic Digestion	\$0.037 per Gallon
Wastes Routed to Grit Processing	\$0.125 per Gallon
Wastes Routed to Plant Headworks	\$0.035 per Gallon
Minimum Fee	\$13.00 per Load

Surcharge for Extended Hours

During those hours designated as extended hours above and in emergencies, a surcharge of ten dollars (\$10.00) per load shall be assessed in addition to all other normal fees to help defray expenses associated with the City's treatment plant operators being interrupted from their normal course of work to log in and accept the incoming waste load in the special circumstances. To minimize the lost time the hauler shall telephone the City's treatment facility operator on duty at least thirty (30) minutes in advance of arriving at the Liquid Waste Dump Station Facilities, or otherwise make prior arrangements with operations staff the same day.

Other Provisions

1. All wastes to be disposed at the Liquid Waste Dump Station Facilities must be accompanied by a copy of a current Special Waste Disposal Permit.
2. Special Wastes routed to Anaerobic Digestion may include grease trap waste from cooking operations, septage from residential type septic tanks or similar facilities, portable chemical toilet wastes, certain industrial sludge, and any other wastes deemed by the City to be amenable to and desirable for direct anaerobic digestion in lieu of regular treatment.
3. Special Wastes routed to Grit Processing may include mud/sand trap waste from car washes, vehicle service bays, or other similar wastes, provided such wastes consist primarily or organically inert heavy solids that are amenable to such grit processing.
4. Special Wastes routed to Facility Headworks may include all remaining wastes not otherwise processed as described above and that are deemed acceptable for regular treatment through the entire treatment facility.
5. The disposal fees set forth above apply to the type of waste processing used, rather than to the type of Special Waste received. The City reserves the right to reroute any Special Waste to the type of waste processing it deems most appropriate and to charge the applicable disposal fee for the type of waste processing selected.
6. Sales tax, if applicable, shall be assessed on the sum of all fees, including any surcharge.

AND FURTHER, BE IT RESOLVED that Resolution No. A-78938, adopted by the City Council on August 10, 1998, is hereby superseded.

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FISCAL YEAR 2006-2007 THROUGH FISCAL YEAR 2011 - 2012 - PRIOR to reading:

MCROY Moved to accept the Substitute Resolution on Bill No. 06R-155.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read the following Substitute Resolution, introduced by Annette McRoy, who moved its adoption:

A-83987 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, Both the Mayor's Advisory Committees, Streets, Roads and Trails (SRT) and the Mayor's Infrastructure Finance Committee (MIFC) support the wastewater rate increases proposed by the City's Public Works & Utilities Department over the next 10 years, to help finance the infrastructure needs identified in the City's Capital Improvement Program. The current projections acknowledge the need for approval of a 8% increase for Fiscal Year 2006-07; a 9% increase for Fiscal Year 2007-08; and a 9% increase for Fiscal Year 2008-09.

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 billing cycle commencing on November 15, 2006, 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 144.0 cents.

(b) For any given residential property, the basic wastewater use charge for each billing cycle shall be determined by multiplying for each such cycle the total amount of water, in hundreds of cubic feet, metered for said property during a billing cycle chosen by the Director from the most recent past winter, by the basic wastewater use unit charge.

In the case of change of occupancy of residential property, if the Director reasonably determines that to compute the basic wastewater use charge for a given billing cycle upon the amount of water used by such property during such winter billing cycle would be inequitable either to the City or to the user, he shall use the average amount of water used by like users during such winter billing cycle to compute such charge.

(c) For any non-residential property, the basic wastewater use charge for a given billing cycle shall be determined by multiplying for each cycle the amount of water or wastewater, in hundreds of cubic feet, measured for said property during such cycle, by the basic wastewater use unit charge.

(d) Non-residential users shall be given credit, at the same rate, for water not discharged into the sanitary sewers provided such water is separately metered with the approval of the Public Utilities Department and at the customer's expense.

(e) Where a wastewater flow meter or other wastewater measuring device is required or permitted by the Director and is used to measure the volume of wastewater discharged into the Lincoln Wastewater System, such wastewater use charge shall be computed thereon at the basic wastewater use unit charge.

SERVICE CHARGE

Regardless of whether a wastewater meter is used, there shall be a service charge per month to each property using the Lincoln Wastewater System, determined by the number and size of the water meters serving such property, to-wit:

WATER METER SIZE	SERVICE CHARGE
5/8 inch	\$ 1.31
3/4 inch	1.31
1 inch	1.31
1/2 inch	2.62
2 inch	5.24
3 inch	11.79

4 inch	20.96
6 inch	47.17
8 inch	83.85
10 inch	131.02

The minimum service charge for a multiple dwelling unit or a mobile home shall be at least \$0.78 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$1.31 per dwelling unit.

WASTEWATER RATES TO CUSTOMERS OUTSIDE
THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the Lincoln Wastewater System shall pay the same 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-83458, adopted by the City Council on August 1, 2005 is hereby superseded.

Introduced by Annette McRoy

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FISCAL YEAR 2006-2007 THROUGH FISCAL YEAR 2011 - 2012 - PRIOR to reading:

MCROY Moved to accept the Substitute Resolution on Bill No. 06R-156. Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read the following Substitute Resolution, introduced by Annette McRoy, who moved its adoption:

A-83988 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, Both the Mayor's Advisory Committees, Streets, Roads and Trails (SRT) and the Mayor's Infrastructure Finance Committee (MIFC) support the water rate increases proposed by the City's Public Works & Utilities Department over the next 10 years, to help finance the infrastructure needs identified in the City's Capital Improvement Program. The current projections acknowledge the need for approval of a 6% increase for Fiscal Year 2006-07; a 5% increase for Fiscal Year 2007-08; and a 5% increase for Fiscal Year 2008-09.

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 billing cycle commencing on November 15, 2006, and ending January 15, 2007, the following schedule of water use charges is hereby established and adopted:

SCHEDULE A

The following rate schedule shall apply to all residential property. "Residential Property" shall be defined as property consisting of dwelling units. If there is more than one use per master meter on any one property including the residential use, the schedule to be used will be determined as residential, if the residential portion is 50 percent or more of the area of the building.

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

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

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

The monthly Service Charge shall be hereinafter provided.

SCHEDULE B

The following rate schedule shall apply for the current calendar year to all non-residential property that used less than 12,000,000 cubic feet of water in the previous calendar year:

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

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

The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE C

The following rate schedule shall apply for the current year to all

non-residential property that used more than 12,000,000 cubic feet of water in the previous calendar year. On a calendar year basis, a "base usage" of each high user customer will be determined. The base usage is an average of the water usage of each high user customer for the previous three (3) calendar years.

The following fees would apply:

100.0 cents per 100 cubic feet for water usage less than base to 5% above base.

104.0 cents per 100 cubic feet for water usage 5% - 15% above base.

108.0 cents per 100 cubic feet for water usage 15% - 25% above base.

113.0 cents per 100 cubic feet for water usage for all water usage over 25% above base.

The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE D - PROVISIONS APPLICABLE -
TO ALL TYPES OF WATER SERVICE

Service Charge. There shall be a Service Charge per month to each property using the Lincoln Water System, determined by the number and size of the water meter, or meters, serving such property, to-wit:

WATER METER SIZE	SERVICE CHARGE FOR WATER METER
5/8 inch	\$ 2.95
3/4 inch	2.95
1 inch	2.95
1-1/2 inch	5.90
2 inch	11.80
3 inch	26.55
4 inch	47.20
6 inch	106.15
8 inch	188.75
10 inch	294.90

The Service Charge for a multiple dwelling unit or mobile home shall be at least \$1.81 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$2.95 per dwelling unit. A dwelling unit shall, for the purpose of this schedule, be defined as a room or rooms in which kitchen facilities are provided, located in the building or structure used by a facility or household as a home or residence of the family or household.

WATER RATES TO CUSTOMERS OUTSIDE
THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the water system of the City of Lincoln shall pay the same 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-83457, adopted by the City Council on August 1, 2005, is hereby superseded.

Introduced by Annette McRoy

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR JOINT ANTELOPE VALLEY AUTHORITY (JAVA) PROJECT CONTRACT PER CITY ORDINANCE WHEN FUNDING APPROPRIATIONS COMES FROM MORE THAN ONE FISCAL YEAR CIP FOR CITY PROJECT 780105, ANTELOPE VALLEY P & Q STREET BRIDGES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83989 WHEREAS, the Antelope Valley P and Q Street Bridge Project and associated approach roadways located between 21st and 22nd Streets, described as City Project 78015, State Project STPC-5236(1), Control No. 11215-1, has been approved by the City; and

WHEREAS, construction of the Antelope Valley P and Q Street Bridge Project is scheduled to begin in September of 2006 with an anticipated completion date of November 2007; and

WHEREAS, the project is shown in the City's 2006-2012 Capital Improvement Program as Project No. 780105, Antelope Valley P and Q Street Bridges with appropriations in the amount of \$4,223,200 in Fiscal Year 2006-2007, and \$1,364,700 in Fiscal Year 2007-2008; and

WHEREAS, funding for this work includes Highway Allocation Funds, Federal Funds, and City Funds; and

WHEREAS, the Public Works & Utilities Department believes it is in the public interest to enter into a multi-year contract for the Antelope Valley P and Q Street Bridge Project to coordinate the construction of the project and to match the funding appropriation to the cash outlay; and

WHEREAS, Article VII, Section 3 of the Charter of the City of Lincoln provides that no contract involving the expenditure of money from appropriations of more than one year, other than appropriations of borrowed money, shall be valid unless approved by Ordinance or

Resolution of the City Council.

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

That the Mayor and Finance Director are authorized to approve expenditures and related transfers of funds or approvals in connection with the multi-year Joint Antelope Valley Authority (JAVA) P and Q Street Bridge Project to be paid from C.I.P. funds for Fiscal Years 2007 and 2008.

Introduced by Jonathan Cook

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

PETITIONS AND COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 06050 St. Fidelis of Sigmaringen Religious and Educational Center Planned Unit Development - App. of the Catholic Bishop of Lincoln for a change of zone from R-1 Residential District to R-1 Residential District PUD on property generally located at A Street and Eldon Drive.

Change of Zone No. 06052 - App. of the Director of Planning to amend Section 27.65.020 of the Lincoln Municipal Code to adjust the minimum coverage area and bonus for an AG CUP Agricultural District Community Unit Plan, utilizing a community wastewater system in the Build-Through area.

Change of Zone No. 06053 - App. of E.S.P., Inc. on behalf of Hartland Homes, Inc., from AG Agricultural District to R-3 Residential District on property generally located at N. 14th Street and Humphrey Avenue.

Change of Zone No. 06055 - App. of Director of Urban Development from H-2 Highway Business District to B-3 Commercial District on property generally located at N. 52nd and "O" Streets.

Special Permit No. 05015A - App. of E.S.P., Inc. on behalf of Hartland Homes, Inc., for an amendment to Hartland's Garden Valley Community Unit Plan on property generally located at N. 14th Street and Humphrey Avenue.

Special Permit No. 06046, Dakota Springs Community Unit Plan - App. of S.W.L. Development, LLC, for approx. 12 single family dwelling units on property generally located at SW 2nd Street and W. Saltillo Road.

SETTING THE HEARING DATE OF SEPTEMBER 11, 2006 FOR THE APP. OF EMPYREAN BREWING COMPANY DBA FIREWORKS RESTAURANT FOR A CLASS L LIQUOR LICENSE AT 5750 S. 86TH DRIVE - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83990 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 11, 2006, at 1:30 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 Empyrean Brewing Company dba Fireworks Restaurant for a Class L liquor license located at 5750 S. 86th Drive.

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

Introduced by Robin Eschliman

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF SEPTEMBER 11, 2006 FOR THE APP. OF LAZLO, INC. DBA FIREWORKS RESTAURANT FOR A CLASS CK LIQUOR LICENSE AT 5750 S. 86TH DRIVE - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83991 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 11, 2006, at 1:30 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 Lazlo, Inc. dba Fireworks Restaurant for a Class CK liquor license located at 5750 S. 86th Drive.

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

Introduced by Robin Eschliman

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

INFORMAL PETITIONS SUBMITTED BY BRIAN MOORE AND RON AND CATHY DAVIDSON FOR THE CREATION OF A WATER DISTRICT IN ORCHARD STREET FROM NORTH 67TH TO NORTH 68TH STREETS. (RECEIVED FROM PUBLIC WORKS/ENGINEERING SERVICES 8/10/06) - CLERK presented said petitions which were referred to the Public Works Department.

REPORTS OF CITY OFFICERS - NONE

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND ALLTEL FOR THE PLACEMENT OF A TELECOMMUNICATIONS TOWER AND FACILITIES TO BE LOCATED ON CITY PROPERTY AT VAN DORN PARK AT 9TH AND VAN DORN STREETS - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Alltel Communications of Nebraska, Inc. for the placement of telecommunications facilities upon City property at Van Dorn Park located at 9th and Van Dorn Streets, and authorizing the Mayor to sign such License Agreement on behalf of the City, the first time.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY CREATING A NEW CHAPTER 8.52, GRAFFITI ABATEMENT ACT, TO SET FORTH THE TITLE, PURPOSE AND DEFINITIONS, TO PROHIBIT THE ACT OF PLACING GRAFFITI ON ANY PUBLIC OR PRIVATE BUILDING, TO PROHIBIT THE FAILURE TO REMOVE GRAFFITI, DEFINING GRAFFITI AS A PUBLIC NUISANCE AND PROVIDING FOR NOTICE AND ABATEMENT PROCEDURES, TO PROVIDE THE MEANS AND CONDITIONS FOR APPEALING A NOTICE AND ORDER TO ABATE GRAFFITI, AND TO PROVIDE FOR THE ENFORCEMENT AND PENALTIES FOR VIOLATIONS - CLERK read an ordinance, introduced by Patte Newman, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by creating a new Chapter 8.52 entitled the Graffiti Abatement Act by adding a new section numbered 8.52.010 to set forth the title of the chapter; adding a new section numbered 8.52.020 to set forth the purpose of the chapter; adding a new section numbered 8.52.030 to set forth definitions used in the chapter; adding new section numbered 8.52.040 to prohibit the act of placing graffiti on any public or private building and to prohibit the failure to remove graffiti; adding a new section numbered 8.52.050 to define graffiti as a public nuisance and provide for notice and abatement procedures; adding a new section numbered 8.52.060 to provide the means and conditions for appealing a notice and order to abate graffiti; adding a new section numbered 8.52.070 to provide for the enforcement of the provisions of the chapter; and adding a new section numbered 8.52.080 to provide penalties for violations of the chapter, the first time.

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND SHERIDAN LUTHERAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 6955 OLD CHENEY ROAD FOR A PERIOD OF JULY 17, 2006 THROUGH SEPTEMBER 30, 2006 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and Sheridan Lutheran Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 6955 Old Cheney Road, Lincoln, NE for a term beginning July 17, 2006 through September 30, 2006, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered **#18789**, is recorded in Ordinance Book #25, Page

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN SEVERAL FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Jon Camp, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Construction Fund, Sanitary Sewer Construction Fund, Solid Waste Revenue Fund, Street Construction Fund, and Vehicle Tax Fund within the Public Works & Utilities Department, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered **#18790**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06021 - AMENDING SECTIONS 27.69.046 AND 27.69.081 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND I-3 EMPLOYMENT CENTER DISTRICT, RESPECTIVELY, TO DELETE THE REQUIREMENT THAT THE ON-PREMISES GROUND SIGN FOR A FREE-STANDING PAD SITE BUILDING BE LOCATED WITHIN THIRTY FEET OF THE BUILDING

- CLERK read an ordinance, introduced by Jon Camp, amending Sections 27.69.046 and 27.69.081 of the Lincoln Municipal Code to relating to signs in the B-2 and I-3 zoning districts, respectively, to delete the requirement that the on-premises ground sign for a free-standing pad site building be located within thirty feet of the building; and repealing Sections 27.69.046 and 27.69.081 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18791**, is recorded in Ordinance Book #25, Page

STREET NAME CHANGE 06003 - RENAMING THAT PORTION OF S.W. 78TH STREET SOUTH OF WEST WALIN LANE AS S.W. 77TH STREET, LOCATED IN MEADOW VIEW 1ST ADDITION

- CLERK read an ordinance, introduced by Jon Camp, changing the name of the portion of S.W. 78th Street south of West Walin Lane to S.W. 77th Street located in Meadow View 1st Addition, as recommended by the street Name Committee, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18792**, is recorded in Ordinance Book #25, Page

AMENDING SECTION 9.36.100 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE UNLAWFUL POSSESSION OF FIREARMS BY ADDING CONVICTIONS FOR CRIMES OF ASSAULT, UNLAWFUL INTRUSION, VIOLATION OF CUSTODY, DOMESTIC ASSAULT, FIRST DEGREE CRIMINAL TRESPASS, CONTRIBUTING TO THE DELINQUENCY OF A CHILD, PUBLIC INDECENCY/EXPOSURE, OPERATING A VEHICLE TO AVOID/FLEE ARREST, ANY VIOLATION OF THE NEBRASKA UNIFORM CONTROLLED SUBSTANCES ACT, UNLAWFUL USE OF TOXIC COMPOUNDS, AND MORE THAN TWO CONVICTIONS FOR DWI AND/OR REFUSAL TO SUBMIT TO A CHEMICAL TEST, TO THE PRE-EXISTING LIST OF NAMED OFFENSES, CONVICTION OF WHICH PRECLUDE POSSESSION OF ANY FIREARM - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 9.36.100 of the Lincoln Municipal Code relating to the unlawful possession of firearms by adding convictions for crimes of assault, unlawful intrusion, violation of custody, domestic assault, first degrees criminal trespass, contributing to the delinquency of a child, public indecency/exposure, operating a vehicle to avoid/flee arrest, any violation of the Nebraska Uniform Controlled Substances Act, unlawful use of toxic compounds, and more than two convictions for DWI and/or refusal to submit to a chemical test, to the pre-existing list of named offenses, conviction of which preclude possession of any firearm; and repealing Section 9.36.100 of the Lincoln Municipal code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18793**, is recorded in Ordinance Book #25, Page

AMENDING CHAPTER 9.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO WEAPONS BY ADDING A NEW SECTION NUMBERED 9.36.130 TO MAKE IT UNLAWFUL TO POSSESS FIREARMS OR DANGEROUS WEAPONS IN CITY AND/OR COUNTY FACILITIES - PRIOR to reading:

COOK Moved Amendment #1 to amend Bill No. 06-141 in the following manner:

1. On page 1, line 3, after the word facilities add the following "; adding a new section numbered 9.36.140 to make it unlawful to possess firearms or dangerous weapons in domestic violence and substance abuse treatment centers or facilities; and adding a new section numbered 9.36.150 to provide definitions for terms used in Sections 9.36.130 and 9.36.140."

2. On page 2, lines 1 through 20, delete subsection (c) Definitions, to be reinserted as new Section 9.36.150.

3. On page 2, following line 20, add new Sections 2 and 3 to read as follows:

Section 2. That Chapter 9.36 of the Lincoln Municipal Code be amended by adding a new section numbered 9.36.140 to read as follows:

9.36.140 Possession of Firearms and Dangerous Weapons in Domestic Violence and Substance Abuse Facilities or Shelters; Prohibited.

(a) It shall be unlawful for any person to knowingly possess or cause to be present a firearm or other dangerous weapon in a domestic violence victim facility or shelter or substance abuse treatment center

licensed by the State of Nebraska.

(b) This section shall not apply to possession of a firearm or other dangerous weapon by an officer, agent, or employee of a state or a political subdivision thereof who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, while in the lawful performance of official duties.

Section 3. That Chapter 9.36 of the Lincoln Municipal Code be amended by adding a new section numbered 9.36.150 to read as follows:

9.36.150 Definitions.

For the purposes of Sections 9.36.130 and 9.36.140 the following words shall have the following meanings:

City and/or county facility shall mean a building or part thereof owned or leased by the City of Lincoln Nebraska and/or Lancaster County or which is used as offices for any city and/or county employee.

Dangerous weapon shall mean any firearm, stun gun, knife, switchblade knife, any gun which releases any propelled object by spring mechanism, compressed air or compressed gas, or any other instrument the use of which is intended or likely to cause death or bodily injury;

Knife shall mean any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds;

Stun gun shall mean any handheld electronic device that is powered by an internal power source such as batteries, and that is capable of introducing an electrical current into the body of a person which when introduced to the body shall be capable of disrupting a person's central nervous system and rendering the person temporarily incapable of normal functioning, for any period of time whatsoever. The electrical current may be introduced into the human body by means of direct pressure to the body from fixed electrodes on the electronic device and/or by one or more electrodes attached to a length of wire or other connection and which upon being fired from a firearm or any other mechanical device, strikes the human body and produces the reaction described herein.

4. On page 3, line 1, renumber Section 2 as Section 4.

Seconded by McRoy & carried by the following vote: AYES: Cook, Marvin, McRoy, Newman; NAYS: Camp, Eschliman, Svoboda.

MARVIN Moved Amendment #2 to amend Bill No. 06-141 in the following manner:

1. On page 1, after line 18, insert a new paragraph (4) as follows:

(4) Authorized shows, performances and/or exhibitions displaying or using guns and /or knives.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, amending Chapter 9.36 of the Lincoln Municipal Code relating to Weapons by adding a new section numbered 9.36.130 to make it unlawful to possess firearms or dangerous weapons in city and/or county facilities, the third time.

CAMP Moved to pass the ordinance as amended.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered #18794, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to August 28, 2006.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
August 28, 2006.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 3:49 P.M.

CAMP Moved to adjourn the City Council meeting of August 21, 2006.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
 So ordered.

Joan E. Ross, City Clerk, CMC

Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING
August 21, 2006
Page 686