

DIRECTORS' ORGANIZATIONAL MEETING

Monday, January 6, 2020

555 S. 10TH STREET

BILL LUXFORD STUDIO

I. MINUTES

1. Approval of Directors' minutes from December 9, 2019

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

IV. MAYOR'S OFFICE

V. DIRECTORS CORRESPONDENCE

PLANNING DEPARTMENT

1. Action dated Wednesday, December 18, 2019
2. Administrative Approvals from December 17, 2019 through December 23, 2019

FINANCE

1. December 2019 Sales Tax Report reflecting October 2019 sales

URBAN DEVELOPMENT

1. Street & Alley Vacation No. 19006

VI. BOARDS/COMMITTEES/COMMISSION REPORTS

1. PRT - Bowers (11.21.19) *carry over from 12.09.19 and (12.19.19)*
2. WHJPA - Ward (11.25.19) *carry over from 12.09.19*
3. DLA - Meginnis, Ward (11.26.19) *carry over from 12.09.19 and (12.24.19)*
4. PAC - Shobe, Christensen, Bowers (11.26.19) *carry over from 12.09.19*
5. RTSD - Christensen, Raybould, Bowers (12.02.19) *carry over from 12.09.19*
6. JBC - Bowers, Washington (12.05.19) *carry over from 12.09.19*
7. BOH - Bowers (12.10.19)
8. MAC - Shobe (12.10.19)
9. PBC - Meginnis, Raybould (12.10.19)
10. ~~ISPC~~ - Washington (12.12.19) *canceled*
11. Parks & Rec - Christensen (12.12.19)
12. DEC - Ward (12.21.19)

VII. CONSTITUENT CORRESPONDENCE

1. 2020 Charter Revision Suggestion - Jim Frohman

VIII. MEETINGS/INVITATIONS

See invitation list.

IX. ADJOURNMENT

****ACTION BY PLANNING COMMISSION****

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 18, 2019, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, December 18, 2019

[Commissioner Corr absent; Commissioner Al-Badry arrived at 1:04 p.m.]

Approval of minutes of the regular meeting held December 4, 2019. . ****APPROVED: 7-0;**
Corr and Al Badry absent.**

1. CONSENT AGENDA
(Public Hearing and Administrative Action):

ANNEXATION:

- 1.1 ANNEXATION 19009, to annex approximately 0.29 acres of right-of-way for a bridge, generally located at N. 84th Street and Fletcher Avenue.
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov
Planning Commission recommendation: APPROVAL: 8-0; Corr absent.
Public hearing before the City Council is tentatively scheduled for Monday, January 13, 2020, 3:00 p.m.

CHANGE OF ZONE:

1.2 CHANGE OF ZONE 19029, from AG (Agriculture District) to AGR (Agricultural Residential District), on property generally located at the intersection of Harold Road and Bluff Road.

Staff recommendation: Approval

Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

Planning Commission recommendation: APPROVAL: 8-0; Corr absent.

Public hearing before the City Council is tentatively scheduled for Monday, January 13, 2020, 3:00 p.m.

2. **REQUESTS FOR DEFERRAL: None.**

3. **ITEMS REMOVED FROM CONSENT AGENDA: None.**

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

STREET & ALLEY VACATION:

4.1 STREET & ALLEY VACATION 19008, to vacate a portion of 17th Street right-of-way, generally located at 17th Street between Vine and X Streets.

Staff recommendation: Conforms to the Comprehensive Plan

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Planning Commission recommendation: Conforms to the Comprehensive Plan: 8-0; Corr absent. Public hearing before the City Council will be scheduled when the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

5. **ADMINISTRATIVE ACTION:**

5.1 Special Permit 19051, to allow for a campground and related accessory uses, on property generally located at the SE corner of Hwy 77 and Davey Road. *****FINAL ACTION*****

Staff recommendation: Conditional Approval

Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

Planning Commission recommendation: CONDITIONAL APPROVAL: 5-3, (Edgerton, Joy and Beckius dissenting; Corr absent), as set forth in the revised conditions of the staff report dated December 3, 2019, and amended as presented by the applicant and adopted by the Planning Commission Resolution PC-01682.

**AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA, MAY DO SO**

Adjournment 1:25 p.m.

PENDING LIST:

Special Permit 18045, to allow for a County AG (Agricultural District) CUP (Community Unit Plan), consisting of 148.49 acres, more or less, for 9 single family acreage lots on property generally located at North 14th Street and Rock Creek Road.

Preliminary Plat 18002, to add 430 residential lots on approximately 152.1 acres, more or less, on property generally located at the SW corner of West Old Cheney Road and South Folsom Street.



Memorandum

Date: ◆ December 24, 2019

To: ◆ City Clerk

From: ◆ Rhonda Haas, Planning Dept.

Re: ◆ Administrative Approvals

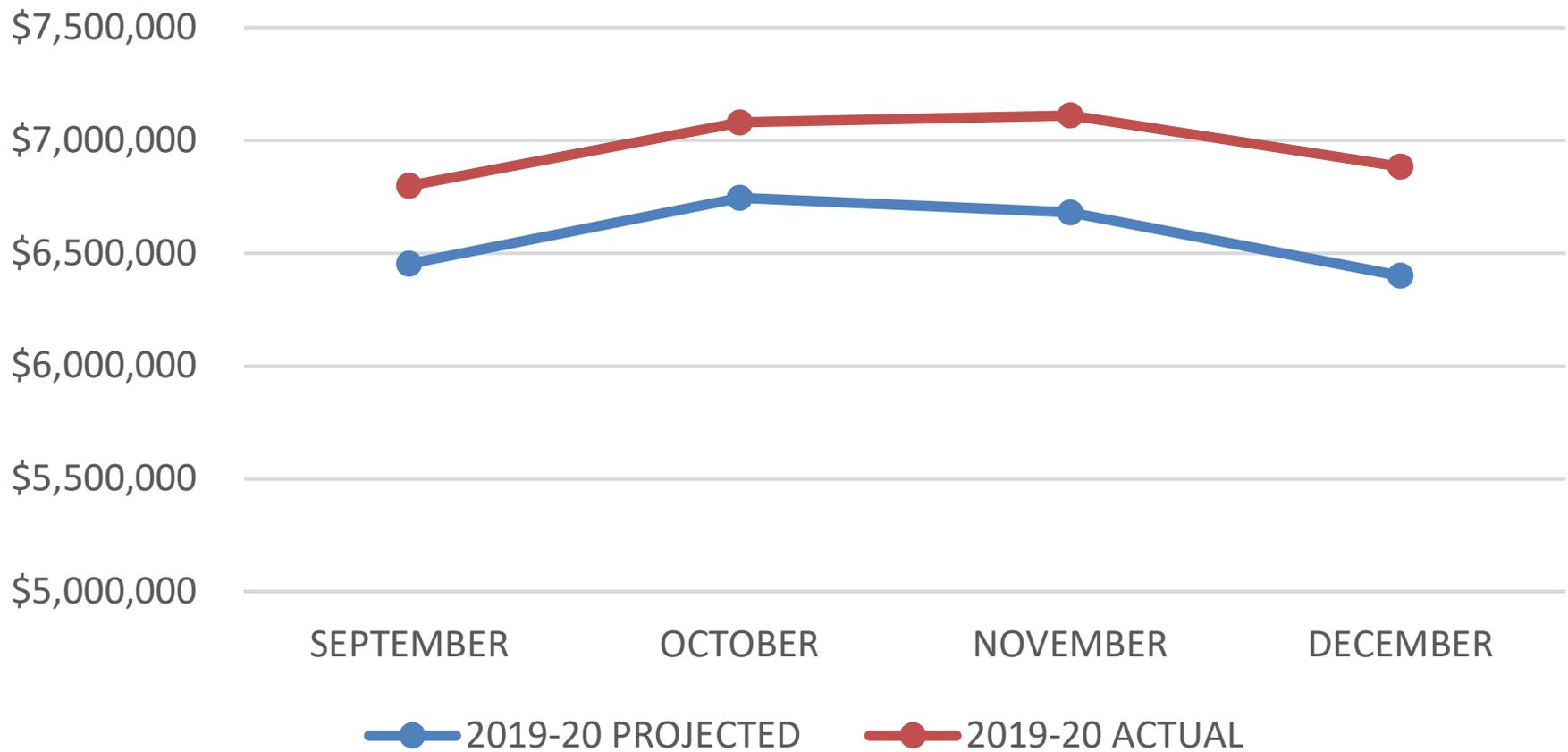
cc: ◆ Geri Rorabaugh, Planning Dept.

This is a list of City administrative approvals by the Planning Director from December 17, 2019 through December 23, 2019:

Administrative Amendment 19070 to UP 150B, Appian Way Regional Center Phase II, approved by the Planning Director on December 19, 2019, to revise the land use table to show the land use for Lot 3, Block 1 being changed from 4,450 square feet of automotive care center to 6,000 square feet of specialty retail and 6,200 square feet of warehouse, generally located southeast of South 84th Street and Highway 2.

Administrative Amendment 19077 to Change of Zone 04075H, Village Gardens Planned Unit Development, approved by the Planning Director on December 20, 2019, to revise various notes regarding the Pipeline Planning Area (PPA) for Lots 10-18, Block 22; allowing decks in the PPA and delineating how far the PPA extends onto affected lots, generally located southeast of South 63rd Street and Yankee Hill Road.

FY 2019-20 Projected vs Actual Net Sales Tax



**Actual Compared to
Projected Sales Tax Collections**

	2019-20 PROJECTED	2019-20 ACTUAL	VARIANCE FROM PROJECTED	\$ CHANGE FR. 18-19	% CHANGE FR. 18-19
SEPTEMBER	\$6,455,152	\$6,799,287	\$344,135	\$395,048	6.17%
OCTOBER	\$6,745,501	\$7,079,014	\$333,513	\$269,098	3.95%
NOVEMBER	\$6,680,185	\$7,111,129	\$430,944	\$476,630	7.18%
DECEMBER	\$6,400,511	\$6,883,710	\$483,199	\$448,407	6.97%
JANUARY	\$6,399,290	\$0			
FEBRUARY	\$7,692,336	\$0			
MARCH	\$6,014,461	\$0			
APRIL	\$5,853,915	\$0			
MAY	\$6,989,551	\$0			
JUNE	\$6,595,173	\$0			
JULY	\$6,641,288	\$0			
AUGUST	\$7,049,125	\$0			
TOTAL	\$79,516,488	\$27,873,140	\$1,591,791	\$1,589,183	6.05%

Actual collections for the fiscal year to date are 6.06% over projections for the year.

**CITY OF LINCOLN
GROSS SALES TAX COLLECTIONS (WITH REFUNDS ADDED BACK IN)
2015-2016 THROUGH 2019-2020**

	ACTUAL 2015-16	ACTUAL 2016-17	ACTUAL 2017-18	% CHG. FR. PRIOR YEAR	ACTUAL 2018-19	% CHG. FR. PRIOR YEAR	ACTUAL 2019-20	% CHG. FR. PRIOR YEAR
SEPTEMBER	\$6,041,963	\$6,265,764	\$6,386,734	1.93%	\$6,457,192	1.10%	\$6,927,862	7.29%
OCTOBER	\$6,089,519	\$6,598,756	\$6,811,452	3.22%	\$6,817,440	0.09%	\$7,116,483	4.39%
NOVEMBER	\$6,266,119	\$6,471,721	\$6,537,754	1.02%	\$6,637,486	1.53%	\$7,146,575	7.67%
DECEMBER	\$5,876,792	\$6,128,386	\$6,371,026	3.96%	\$6,493,888	1.93%	\$6,897,823	6.22%
JANUARY	\$5,651,337	\$6,285,444	\$6,432,363	2.34%	\$6,516,808	1.31%		
FEBRUARY	\$7,137,154	\$7,293,928	\$7,459,132	2.26%	\$7,386,107	-0.98%		
MARCH	\$5,392,157	\$5,521,761	\$5,930,406	7.40%	\$5,981,967	0.87%		
APRIL	\$5,426,539	\$5,639,028	\$5,618,037	-0.37%	\$5,586,708	-0.56%		
MAY	\$6,494,521	\$6,708,815	\$6,759,407	0.75%	\$6,623,556	-2.01%		
JUNE	\$6,030,654	\$6,255,952	\$6,325,718	1.12%	\$6,721,994	6.26%		
JULY	\$6,000,464	\$6,440,709	\$6,644,137	3.16%	\$6,804,001	2.41%		
AUGUST	\$6,657,168	\$6,736,493	\$6,770,977	0.51%	\$7,199,568	6.33%		
TOTAL	\$73,064,387	\$76,346,757	\$78,047,143	2.23%	\$79,226,715	1.51%	\$28,088,743	6.37%

**CITY OF LINCOLN
SALES TAX REFUNDS
2015-2016 THROUGH 2019-2020**

	ACTUAL 2015-2016	ACTUAL 2016-2017	ACTUAL 2017-2018	% CHG. FROM PRIOR YEAR	ACTUAL 2018-2019	% CHG. FROM PRIOR YEAR	ACTUAL 2019-2020	% CHG. FROM PRIOR YEAR
SEPTEMBER	(\$105,779)	(\$217,212)	(\$98,235)	-54.77%	(\$52,954)	-46.09%	(\$128,575)	142.81%
OCTOBER	(\$94,343)	(\$31,712)	(\$30,920)	-2.50%	(\$7,524)	-75.66%	(\$37,469)	397.97%
NOVEMBER	(\$83,553)	(\$81,460)	(\$923)	-98.87%	(\$2,944)	218.96%	(\$35,446)	1104.01%
DECEMBER	(\$43,624)	(\$79,179)	(\$46,365)	-41.44%	(\$58,585)	26.36%	(\$14,114)	-75.91%
JANUARY	(\$98,310)	(\$294,431)	(\$379,926)	29.04%	(\$342,169)	-9.94%	(\$796,890)	132.89%
FEBRUARY	(\$276,479)	(\$90,752)	(\$719)	-99.21%	(\$33,054)	4497.22%		
MARCH	(\$39,620)	(\$92,105)	(\$49,445)	-46.32%	(\$40,643)	-17.80%		
APRIL	(\$75,796)	(\$29,707)	(\$41,280)	38.96%	(\$31,464)	-23.78%		
MAY	(\$105,297)	(\$67,726)	(\$91,272)	34.77%	(\$41,555)	-54.47%		
JUNE	(\$152,053)	(\$83,394)	(\$51,268)	-38.52%	(\$13,186)	-74.28%		
JULY	(\$55,289)	(\$1,932)	(\$347,486)	17885.82%	(\$29,772)	-91.43%		
AUGUST	(\$312,528)	(\$17,202)	(\$96,471)	460.81%	(\$9,385)	-90.27%		
TOTAL	(\$1,442,671)	(\$1,086,812)	(\$1,234,310)	13.57%	(\$663,236)	-46.27%	(\$1,012,494)	118.13%

**CITY OF LINCOLN
NET SALES TAX COLLECTIONS
2015-2016 THROUGH 2019-2020**

	ACTUAL 2015-16	ACTUAL 2016-17	ACTUAL 2017-18	% CHG. FROM PRIOR YEAR	ACTUAL 2018-19	% CHG. FROM PRIOR YEAR	ACTUAL 2019-20	% CHG. FROM PRIOR YEAR
SEPTEMBER	\$5,936,184	\$6,048,552	\$6,288,498	3.97%	\$6,404,239	1.84%	\$6,799,287	6.17%
OCTOBER	\$5,995,177	\$6,567,045	\$6,780,531	3.25%	\$6,809,916	0.43%	\$7,079,014	3.95%
NOVEMBER	\$6,182,565	\$6,390,261	\$6,536,831	2.29%	\$6,634,499	1.49%	\$7,111,129	7.18%
DECEMBER	\$5,833,168	\$6,049,207	\$6,324,661	4.55%	\$6,435,303	1.75%	\$6,883,710	6.97%
JANUARY	\$5,553,027	\$5,991,013	\$6,052,437	1.03%	\$6,174,639	2.02%		
FEBRUARY	\$6,860,675	\$7,203,175	\$7,458,413	3.54%	\$7,353,053	-1.41%		
MARCH	\$5,352,537	\$5,429,656	\$5,880,960	8.31%	\$5,941,323	1.03%		
APRIL	\$5,350,744	\$5,609,320	\$5,576,757	-0.58%	\$5,555,244	-0.39%		
MAY	\$6,389,224	\$6,641,089	\$6,668,135	0.41%	\$6,582,001	-1.29%		
JUNE	\$5,878,601	\$6,172,558	\$6,274,450	1.65%	\$6,708,808	6.92%		
JULY	\$5,945,175	\$6,438,777	\$6,296,651	-2.21%	\$6,774,229	7.58%		
AUGUST	\$6,344,640	\$6,719,292	\$6,674,506	-0.67%	\$7,190,183	7.73%		
TOTAL	\$71,621,717	\$75,259,945	\$76,812,830	2.06%	\$78,563,436	2.28%	\$27,873,140	6.05%

INTEROFFICE MEMORANDUM

Michelle R. Backemeyer

TO: Mayor Gaylor Baird
& City Council Members

FROM: Michelle R. Backemeyer
Real Estate & Relocation
Assistance Agent

DEPARTMENT: City Council Office

DEPARTMENT: Urban Development Department

ATTENTION:

DATE: December 16, 2019

COPIES TO: Teresa J. Meier
David Cary, Planning
Jeff Kirkpatrick, City Attorney
Byron Blum, LTU
Geri Rorabaugh, Planning
Soulinnee Phan, City Clerk's Office
Jennifer Brinkman, Mayor's Office

SUBJECT: Street & Alley Vacation No.19006
North-South Alley in block bounded
in 9th - 10th, M to L Streets
Revise

The adjacent property owners have made a request to vacate the North 142 feet of the north-south alley in the block bound by 9th, 10th, M and L Streets. It is a 16' x 142' foot strip approximately 2,272 square feet in size and will be split between two adjacent property owners. The area was viewed by the writer and is a bricked alley with large utility poles located within the vicinity. It is assumed both adjacent property owners will sell the once vacated alley to a developer who plans to build a student housing facility on the site. The alley can currently be accessed by both M and L Streets and with the proposed development will stop at the south end of the east-west alley that outlets onto 10th Street. The east-west alley will remain in the future for access. Staff report shows a sewer line and LES utilities in the alley and both are to be retained according to comments in the report. The utilities will need to be relocated at the time of the future site projects, and it is assumed relocation costs will be paid for by the developer.

The writer has knowledge of land values from current and previous projects in the vicinity and estimates the value in the range of \$45.00/sf. As such, it is expected that any purchaser would only be willing to pay a nominal amount for assemblage of an unbuildable parcel with their own property. The area itself is not buildable as stand alone parcels but has value as assemblage with the adjacent properties for the project. Since utility easements will be retained in the alley until such time as they are relocated, 20% of the underlying land value is considered appropriate for assemblage purposes.

The applicant has submitted revisions to its original plan with the additional condition that the City retain a public access easement encompassing the full length of the alley up to a height of 20 feet. The City has requested 20 feet for future replacement or maintenance of the sewer line in the alley. Information from the applicant on the plans indicate allowing development above the main level and building a structure over the vacated alley up to 75 feet in height. If the main level had a relative value allocation of 27% and the area above an allocation of 73% of the land value, this would indicate a land value estimate of \$45 x 73% or \$33/sf. Using that figure, the area to be vacated is now calculated as follows:

East ½ of North 142 feet - 1,136 sq ft x \$33.00 x 20% = \$7,947.60

West ½ of North 142 feet - 1,136 sq ft x \$33.00 x 20% = \$7,947.60

Grand total - 2,272 square feet = \$14,995.20, rounded to \$15,000

Therefore, if the area is to be vacated, it is recommended that the area be sold to the applicants for a grand total of \$15,000 and split equally between both adjacent property owners.

Respectfully submitted,

Angela M. Birkett

From: Jim Frohman <jimfrohman@outlook.com>
Sent: Wednesday, December 18, 2019 4:31 PM
To: Council Packet
Subject: Charter Changes Submitted to the Charter Revision Commission
Attachments: 2020 Charter Revision Suggestion.docx

Just a FYI.

Attached are the changes to the charter that I will present to the Charter Revision Commission at their meeting on Thursday the 19th at 1600 in room 303.

Thank you for your time and service.

Jim Frohman
7335 Pioneers Blvd
Apt. 212
Lincoln, NE 68506
402.617.2484
jimfrohman@outlook.com

Recommended Changes to the Charter

Presented for Reconsideration

Eliminate In Lieu of Taxes

Remove the Public Market section from the Charter.

Remove Municipal Gasoline Station from the Charter.

Clarify that second year of a biennial budget can be changed if a two thirds majority of the Council approves the changes.

Cleanup and modernize language in No Discrimination, Political Activities section.

New Recommended Changes to the Charter

Term limits for Council members.

Set the salary for the Mayoral and Council Members based on the average income of Lincoln citizens.

Require a City election to replace a council member at the next city-wide election. Interim replacement would be selected by the current process.

City council districts shall be four quadrants of substantially equal population.

Suggestions About Process

Suggest a request be made to the Mayor and Council that any recommendations be placed on the Council agenda as soon as possible so that they can be properly reviewed without the pressure of a pending election.

Suggest a request be made to the Mayor that if the administration wants to make changes to the Commission recommendations that the changes are presented to the Commission for review prior to being put on the Council agenda.

Suggest that when the Commission finds that a proposed change is political in nature or controversial and finds that the Commission is not the proper forum for discussion of that type of change, that the Commission take an alternative approach. That the Commission passes the change to the council with a note indicating that the Commission has not taken a position on change, rather it finds that the change is largely a political issue and that the proper forum for discussion of such changes is in front of the council.

Recommended Changes to the Charter

Eliminate In Lieu of Taxes

An in lieu of tax is just a hidden tax. It should be eliminated. Taxes should not be hidden. Eliminating this hidden tax would reduce our electric rates, which is one of the indicators used by businesses considering moving to or staying in Lincoln. This will most likely cause a shift in taxing from hidden in lieu of taxes to sales and or property taxes. It will also actually accomplish the goal of many city administrations by making the budgeting process more transparent and understandable.

This was not previously approved by the Commission. The reasons stated were that there was no interest in getting involved in politics. As a political issue I would ask that this be pass on to the Council for their consideration.

ARTICLE VIII

STREETS, PUBLIC IMPROVEMENTS, PUBLIC UTILITIES, SPECIAL ASSESSMENTS

Sec. 12. Income Public Utilities, How Applied. The revenue received by the city from its utility operations shall be applied (1) first, to the payment of the expenses of the operation and maintenance thereof, (2) second, to the payment as the same shall become due of the principal of, redemption premium, if any, and interest on any bonds issued for the purchase, acquisition, construction, reconstruction, improvement, extension, equipping or furnishing of such utility and payable from the revenues generated from the city's ownership and operation of such utility, together with any reserves established for the payment of such principal, redemption premium and interest, and (3) third, to the establishment of such reserves as may be required for any lawful purpose in connection with such utility; ~~provided, however, that after the payments required in (1) and (2) above and prior to the establishment of any reserve permitted in (3) above, five percent of the total gross revenue received from the sale of electricity within the corporate limits of the city of Lincoln and any incorporated city or village within which it sells electricity at retail, less an amount equivalent to the payments required to be made by the city directly or indirectly with respect to property within or operations conducted by the city shall be paid annually in lieu of taxes, and divided among the county of Lancaster, the municipality and the school district within which the tax is collected, in the proportion that their respective property tax levy rates in each such year bear to the total of such tax levy rates.~~ The council shall have the exclusive power to fix the rates and charges for all such public utilities which rates and charges shall be sufficient to provide the funds necessary to make all payments required by this Section 12. (Amendment of November 5, 1996: prior Amendment of May 10, 1966).

Recommended Changes to the Charter

Remove the Public Market section from the Charter.

The Commission originally approved the removal of this section, but the subcommittee decided to keep the section and the final vote of the commission agreed with the subcommittee.

The reason for keeping the section was that it may be needed to allow for a local food market in Pershing, if Pershing remains a City property. I believe that to be a misunderstanding of the powers of the City. The City could lease space for a private or non-profit to run a market in Pershing without the Public Market section. The Public Market section allows the City to run the market and profit directly from the market rather than lease the space to a non-profit or private business.

The City should not be in competition with private or non-profit organizations. The Public Market section lets the City become a direct competitor with private and non-profit organizations. I don't believe that this section has ever been used. It should be removed from the Charter.

ARTICLE VIII

STREETS, PUBLIC IMPROVEMENTS, PUBLIC UTILITIES, SPECIAL ASSESSMENTS

~~Sec. 13. Public Market. The city council may by ordinance purchase grounds for, and erect and establish, market houses and market places and regulate and govern the same, and prescribe the fees to be charged persons for stalls therein; provided, the revenue so derived shall be applied: First, to the payment of the salaries of the officers appointed to take charge of said market; second, to the payment of repairs of the market house; and third, to the payment of the cost of erecting said market house. After all salaries, repairs and costs of construction have been paid, the surplus, if any remaining, shall be disposed of as the council shall direct. The city council may contract with any person or persons, or association of persons, companies or corporations for the erection and regulation of said market house and market place on such terms and conditions and in such manner as the council may prescribe and raise all necessary revenue therefor as herein provided; and locate market houses and market places and buildings aforesaid on any street, alley, or public ground, or any land purchased for such purpose; and provide for the erection of all other useful and necessary buildings for the use of the city and for the protection and safety of all property owned by the city; provided, any such improvement, costing in the aggregate a sum greater than five hundred dollars, shall not be authorized until the ordinance providing therefor shall be first submitted to and ratified by a majority of the legal voters thereof.~~

Recommended Changes to the Charter

Remove Municipal Gasoline Station from the Charter.

This was approved by the Commission but was not included in the amendments put on May 2019 ballot. The reason given to not include it on the ballot was a concern about impact on Star Tran setting up a CNG station.

Justification sent to Commission members for not presenting the Commission approved repeal to the Council, dated March 5th is shown below.

The Commission recommended striking the municipal gas station language from the Charter. The package on the City Council's agenda does not include the municipal gas station piece (i.e., the language allowing a municipal gas station would remain in the charter). Subsequent to the Commission recommendations, city staff questioned what impact removing this language would have on the ability of Star Tran to operate its own CNG station in the future. We understand this issue did not come up during the Commission's discussion of this language. To avoid unintended consequences, and out of an abundance of caution, the package in front of Council does not strike this municipal gas station language.

Questions I sent to the City Attorney, Star Tran director and Mayor on June 19th.

Is there a plan for the city of Lincoln to sell CNG directly to the citizens of Lincoln at retail prices?

Is there a plan for the city of Lincoln to sell CNG directly to the citizens of Lincoln at wholesale prices?

Is it right to say that CNG is not covered by the charter section since the section refers only to gasoline and oil?

Since the section dates from 1934 and since the section refers to "federal allotments for employment relief", a reference to the great depression, isn't it safe to say it is outdated?

On July 1st City Attorney Jeff Kirkpatrick sent the following response.

I am not aware of a current plan for the City of Lincoln to sell CNG to the public like the Airport does. However, the City has moved toward CNG use as a cleaner, cheaper fuel for city buses, its bookmobile, and other vehicles so it is possible that City will see a cost-savings in having a CNG fueling station that sells fuel to the public. The Law Department has not been asked to research the question of whether CNG is gasoline or oil or whether the City could sell CNG if the charter provision was repealed.

None of the questions sent in June have been answered.

Recommended Changes to the Charter

The Commission was right to vote to repeal this section. It does not reference or apply to CNG. It does not apply to internal use of CNG. The City should not get into competition with private business as the justification hints, and if it were to proceed the City would not need this section to do so, it can be done by resolution. And finally, it is extremely outdated. It should be repealed again.

ARTICLE VIII

STREETS, PUBLIC IMPROVEMENTS, PUBLIC UTILITIES, SPECIAL ASSESSMENTS

~~Sec. 13b. Municipal Gasoline Station. The city council shall have power to engage in the business of selling gasoline and oil to the inhabitants of the city, both at retail and wholesale, and for that purpose shall have power to acquire and own such real and personal property as may be necessary and incident thereto. The city shall not charge for gasoline and oil sold by it more than the cost thereof to the city plus the cost of handling the same, including contingencies; provided any surplus remaining in the gasoline department fund in excess of fifteen thousand dollars at the end of the present fiscal year, 1933, may be transferred to a special fund to be used for the purpose of furnishing employment by the city of Lincoln, or to purchase materials in meeting federal allotments for employment relief in the city; provided further that commencing September 1, 1935, and thereafter, only such surplus as is in excess of twenty thousand dollars may be so transferred for said purposes only and said sum of twenty thousand dollars shall be retained in said gasoline department fund as a revolving fund. (Amendment of August 14, 1934).~~

Recommended Changes to the Charter

Clarify that second year of a biennial budget can be changed if a two thirds majority of the Council approves the changes.

The biennial budget process in the charter is incomplete. It does not address the process for amending the second year of a biennial budget. Instead to fully understand the budget process you must refer to the municipal code and to state law. This missing part of the budget process in the charter should be clarified so that future Mayors and Council Members and the public will have a clear understanding of the biennial budget process.

The proposed changes make it very clear that a super majority of the Council can make changes in the second year of the biennial budget. The change also makes it clear that the Mayor has veto powers over budget changes.

The super majority requirement is a new addition. It is a check against casually changing the budget. This check addresses the concerns raised by the previous Mayor and Council members about making changes without having the full hearing process that happens during the first year of the biennial budgeting process.

The budget process was a hot political issue not to long ago, so this change could be considered political. If it is your judgement that it is political, I would ask that you pass it to the Council for their consideration.

It is my belief that these changes are simply a clarification and strengthening of the current process and should be considered by the Commission.

ARTICLE IX FINANCE AND TAXATION

Sec. 26a. Biennial (Two-Year) Budget.

Paragraph four.

After a biennial budget is adopted, neither the mayor nor the council can adopt a new annual budget in the second year of the biennial period. ~~The power to amend or revise the biennial budget shall be as provided in Article IX, Section 27 of this charter.~~ The second year of the biennial budget can be amended or revised by approval of a two thirds majority of the council. The mayor may approve or veto the changes to the second year of the biennial budget. A two thirds majority vote of the council is required to override a mayoral veto of changes to the second year of a biennial budget. (Amendment of November 2, 2010).

Recommended Changes to the Charter

Cleanup and modernize language in No Discrimination, Political Activities section.

This was approved by the Charter Commission and then revised by the city legal department before being presented to the Council. Due to way the process was handled and uncertainty about why changes were made I opposed this change and the Council put it on hold. After further review I propose a modified version of what the legal department presented to the Council. It has minor changes primarily to simplify and clarify the section.

Article IX-A MERIT SYSTEM

Sec. 8. No Discrimination, Political Activities. No action affecting the employment status of an employee or applicant for a position in the city service, including appointment, promotion, demotion, suspension, or removal, shall be taken or withheld by reason of protected class status under federal, state or city law or for reason of political opinion or political affiliation. ~~the race, creed, color, or political opinions or affiliation of the affected person, except that no person shall be employed or retained in the city service who advocates or belongs to an organization that advocates the overthrow or change of our government by force or violence.~~

~~No person in the city service, except elected officials, and members of election boards and unpaid advisory boards and commissions, shall engage in the following activities in connection with any city issue to be voted upon or any candidate to be nominated for, or elected to, any city office:~~

No elected official may use public resources to support or oppose a candidate or ballot issue except an elected official's time is not considered a public resource.

No elected official may wear campaign buttons or similar emblems, or distribute campaign literature, at work or in a city uniform or in the offices or buildings of the City of Lincoln.

No employee of the city may use public resources to support or oppose a candidate or ballot issue.

No employee of the city may use public resources to engage in the following activities in connection with any city issue to be voted upon or any candidate to be nominated for, or elected to, any city office:

(1) ~~Manage a campaign or be a member of a campaign committee for a candidate for nomination for or election to city office or for or against any city issue;~~ provided,

Recommended Changes to the Charter

however, nothing herein shall prevent the dissemination of facts or information relating to a city issue by persons in the city service acting in their official capacity.

(2) Circulate petitions ~~for candidates for city office~~, although they ~~an employee~~ may sign such a petition;

(3) Wear campaign buttons or similar emblems, or distribute campaign literature, at work or in a city uniform or in the offices or buildings of the City of Lincoln.

In elections other than city elections, elected officials and an employees of the city may not wear campaign buttons or similar emblems, or distribute campaign literature, at work or in a city uniform or in the offices or buildings of the City of Lincoln. ~~or distribute campaign literature while wearing a city uniform.~~

Nothing herein shall be construed as preventing or prohibiting ~~such~~ elected officials or persons in the city service ~~employees of the city~~ from exercising their rights as citizens to publicly or privately express their opinions or to cast their votes.

No person seeking appointment to, or promotion in, the city service shall give, render, or pay any money, service, or other valuable thing to any person in connection with ~~his~~ their, test, appointment, or promotion.

Recommended Changes to the Charter

Term limits for Council Members.

This change reflects the charter amendment approved by the voters at the November 2018 election and applies it to the Council. Since the voters have spoken and by a significant margin in approving term limits, I feel that applying the same limits to the Council would be the will of the voters.

The first suggestion below moves the voter approved change to the proper location in the charter and includes the council. While this is much cleaner and more on point, I could see where it might raise some issues. Still it is my preferred change.

The second suggestion follows the voter approved changes and adds the council.

For either change the impact on current council members is that Christensen would be ineligible to run in the 2025 election, Raybould in the 2027 election, and Shobe in the 2029 election.

Preferred Change

ARTICLE III

ELECTIONS AND QUALIFICATIONS OF ELECTORS AND OFFICERS

Sec. 4. Officers' Qualifications. The elective officers of the city shall be residents thereof and qualified electors therein and citizens of the United States of America. ~~The mayor shall not be qualified to hold office for more than three consecutive four year terms.~~

ARTICLE IV

ELECTION AND ORGANIZATION OF ADMINISTRATION RECALL, INITIATIVE AND REFERENDUM

Sec. 1. Elective Officers. At the general city election to be held in the year 1979 and every four years thereafter, there shall be elected the following officers: one mayor, ~~to be elected at large for a term of four years,~~ and four councilmen members, one to be elected by the voters of the district from each of the four council districts hereinafter created ~~for a term of four years.~~ At the general city election to be held in the year 1981 and every four years thereafter, there shall be elected at large three councilmen members ~~for a term of four years.~~ (Amendment of November 7, 1978; effective January 6, 1979).

Sec. 1.a. Terms. The term for the mayor shall be four (4) years. The term for council members shall be four (4) years. Completing two (2) years of a term shall be considered a full term for the purpose of this section.

Recommended Changes to the Charter

Sec. 1.b. Term Limits. The mayor shall serve no more than three (3) consecutive terms. Council members shall serve no more than three (3) consecutive terms. This section takes affect for mayoral elections in 2019 and for council members at the second council election after approval by voters.

Alternative Change

ARTICLE III

ELECTIONS AND QUALIFICATIONS OF ELECTORS AND OFFICERS

Sec. 4. Officers' Qualifications. The elective officers of the city shall be residents thereof and qualified electors therein and citizens of the United States of America. The mayor shall not be qualified to hold office for more than three consecutive four-year terms. Council members shall not be qualified to hold office for more than three consecutive four-year terms. For council members this restriction takes affect at the second council election after approval by voters

Recommended Changes to the Charter

Set the salary for the Mayoral and Council Members based on the average income of Lincoln citizens.

Mayor Beutler and Council Member Christensen have indicated an interest in putting some type of request to increase the mayoral salary in front of the commission. They have been vague on what that will be. If it is a specific salary amount, I will oppose their recommendation. The salary of the mayor and council should not be hardcoded in the charter, they should be flexible and adjust with the current environment.

The salaries of elected officials should be directly tied to the income of the electorate. If the average salary of the citizens goes up, then their representative's salary should increase proportionality. If the average salary goes down, then their representative's salary should decrease proportionality. The proposed changes below will tie the mayoral and council salaries to how well the citizens of Lincoln are doing economically.

For the mayor, as a full-time employee, the salary formula is twice that of the average salary. In 2017 the average salary was around \$60,000. This would increase the Mayoral salary to \$120,000. For councilmembers their salary is proportional to the amount of time spent in official meetings of the council times a multiplier. Using an estimate of 8 hours per week or 20% of a 40-hour work week and a multiplier of two, the council would get a salary of \$24,000.

ARTICLE IV

ELECTION AND ORGANIZATION OF ADMINISTRATION RECALL, INITIATIVE AND REFERENDUM

Sec. 7. Compensation. An independent committee of citizens with expertise in business, legal, governmental, and personnel matters, appointed by the mayor, ~~shall~~ may meet prior to the end of the fiscal year and make a recommendation as to the appropriate ~~benefits salary~~ benefits salary of the city council members, ~~including benefits~~. Such recommendation may be approved as part of the ~~annual~~ budget resolution, ~~provided that no increase in benefits salary shall take effect until after the succeeding city general election.~~

The annual salary of the mayor and council members for the next fiscal year for each term of office shall be established by the formula defined here and then by resolution of the city council adopted not later than the first day of January immediately preceding the beginning of a new mayoral term of office thirty (30) days prior to the end of the current fiscal year. Failure to pass a salary resolution will cause the current salary for the mayor and council to be reduced by ten percent (10%) for the next fiscal year. Neither the mayor nor any of the council members shall be eligible to hold any other paid office or employment in the city government. (Amendment of May 11, 2004: amendment of November 8, 1994, effective May 15, 1995: amendment of May 9, 1978, effective July 9, 1978: amendment of September 9, 1974, effective November 18, 1974: amendment of

Recommended Changes to the Charter

May 1, 1973, effective May 14, 1973: amendment of August 27, 1962, effective May 20, 1963).

Sec. 7.a. Average Income for Formula. The Council with Mayoral approval shall determine the average income of the citizens of Lincoln to be used in the compensation formulas no later than thirty (30) days prior to the end of the current fiscal year. The selected value shall be from a reputable source, preferably a federal or state source. Shall be for a prior calendar year, as close as possible to the current calendar year. Shall be for the city of Lincoln or its MSA.

Sec. 7.b. Mayoral Multiplier and Council Multiplier. The Mayoral Multiplier is two (2). The Council Multiplier is two (2). Either Multiplier can be changed by unanimous approval by the Council and approval of the Mayor. A veto by the Mayor cannot be overridden. Any change in either Multiplier remains in effect until changed again by the Council and Mayor.

Sec. 7.c. Calculated Percent of Work Week. Using the minutes or videos of official meetings of the Council for the previous calendar year, the average number of minutes spent in Council meetings per week shall be calculated. This average shall be divided by 2400 (40 hours * 60 minutes), the result shall be rounded up to the nearest whole number to get the Calculated Percent of Work Week.

Example:

Average number of minutes per week is 324 (5.4 hours).

$324 / 2400 = .135 * 100 = 13.5\%$

Rounded up to nearest whole number is 14%, .5 rounds up.

Sec. 7.d. Mayor Compensation. The salary of the mayor for the next fiscal year shall be calculated by multiplying the Average Income in section 7.a. by the Mayoral Multiplier defined in 7.b.

Sec. 7.e. Council Compensation. The salary of council members for the next fiscal year shall be calculated by multiplying the Average Income in section 7a by the Calculated Percent of Work Week defined in section 7.c. and then by the Council Multiplier defined in 7.b.

Recommended Changes to the Charter

Require a City election to replace a council member at the next city-wide election. Interim replacement would be selected by the current process.

It is important that council members are selected by the voters they represent. When a council seat comes open the current process leaves it to the council to select a replacement that will serve the remainder of the term of the leaving council member. This suggested change would keep the current process but require the election of a replacement at the next city-wide election. This will make sure that the voters are represented by the individual they want as soon as possible.

An open seat on the City Council would be filled by an interim member using the current Charter process. At the next city-wide election, the Council seat would be required to be placed on the ballot and the individual elected to the seat would fill the Council seat for the remainder of the term. The interim and elected replacement Council Member would be eligible to run for the City Council at the next election.

ARTICLE IV ELECTION AND ORGANIZATION OF ADMINISTRATION RECALL, INITIATIVE AND REFERENDUM

Sec. 19. Recall, Grounds for.

Last paragraph in the section.

When a vacancy is created in the office of council member, nominations may be made by any council member, and the council shall elect, by affirmative vote of four of its members, a person having the qualifications for the office of council member, to fill the vacancy until a successor has been duly elected and qualified. The council shall follow nomination and election procedures, times limits, and any other election-related details as set forth by city ordinance. ~~If the unexpired term of office continues for two years from the time of the next general city election, and if the vacancy shall occur more than twenty days prior to the next city primary election, a successor shall be elected to serve for the remainder of the unexpired term.~~ If the vacancy occurs more than two weeks before the end of the primary filing date of the next city-wide election, a successor shall be elected to serve for the remainder of the unexpired term in that primary and general election. If the vacancy occurs less than two weeks before the end of the primary filing date of the next city-wide election, a successor shall be elected to serve for the remainder of the unexpired term in the next city-wide primary election and general election.

Recommended Changes to the Charter

City council districts shall be four quadrants of substantially equal population.

To prevent gerrymandering of council districts the process needs to be clearly defined. This proposed change is not just an exercise in writing laws. After the last decennial census there was controversy about how the council selected the current districts. This suggested change will make the redistricting process a very straight forward non-political process.

If it is your judgement that it is political, I would ask that you pass it to the Council for their consideration.

ARTICLE IV ELECTION AND ORGANIZATION OF ADMINISTRATION RECALL, INITIATIVE AND REFERENDUM

Sec. 2a. Council Districts.

The city shall be divided into four councilman districts by ordinance passed by the city council, and the boundaries of these districts may be changed by ordinance, ~~but they shall comprise compact and contiguous territory,~~ and each of said districts shall be divided as nearly as practical so that they contain equal populations, and the boundaries of these districts shall be determined as follows:

1. An east west line that intersects the city's current geographic center and a north south line that intersects the city's current geographic center shall define the four council districts. These lines, following precinct lines, shall stay as close as possible to a straight line.
2. To perform redistricting the point of intersection of the two lines shall be moved as needed to maintain a substantially equal population in each district while meeting any State requirements. The lines shall continue to follow precinct lines and shall continue to stay as close as possible to a straight line.
 - A. Only the raw population numbers by precinct from the decennial census data may be used to determine the location of the point of intersection of the lines. Political data, current home address of elected officials, and other considerations cannot be used.
 - B. Valid solutions for redistricting. A maximum of three solutions shall be presented to the council for approval. If more than one solution is found, the two or three solutions that are closest to the geographic center of the city shall be presented to the council. The council must select the final council districts from the presented solutions.