

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 7, 2009 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Emery; Council Members: Camp, Carroll, Cook, Hornung, Snyder, Spatz; City Clerk, Joan E. Ross.

Council Chair Emery announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

HORNUNG Having been appointed to read the minutes of the City Council proceedings of November 30, 2009 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Beutler awarded the Mayor's Award of Excellence for October to Nicholas Thill, Fire Apparatus Operator for the Lincoln Fire & Rescue Department in the category of Productivity. Nicholas took on the task of assembling new personal lockers for additional employees at Station 8. Nick's leadership on the project saved more than 24 hours of labor on the lockers. He organized the effort and established an order of assembly making the project go very smoothly.

Nicholas Thill thanked the Mayor for the award and stated he appreciated working for the City.

PUBLIC HEARING

APPLICATION OF LAS GOLONDRINAS, INC. DBA MAZATLAN II MEXICAN RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 2711 KING LANE, SUITE 201;
MANAGER APPLICATION OF RUBEN ARCE-PALOMERA FOR LAS GOLONDRINAS, INC. DBA MAZATLAN II MEXICAN RESTAURANT AT 2711 KING LANE, SUITE 201 - David Watermeier, 201 N. 8th St., #300, attorney for Mazatlan II Mexican Restaurant, took oath and came forward to ask for approval. It was stated the owner has four other restaurants in Lincoln which have not had any problems.

This matter was taken under advisement.

APPLICATION OF LINCOLN BISON LLC DBA COURTSIDE BANQUET HALL FOR A CLASS I LIQUOR LICENSE AT 710 HILL STREET;
MANAGER APPLICATION OF JOEL W. SCHOSSOW FOR LINCOLN BISON LLC DBA COURTSIDE BANQUET HALL AT 710 HILL STREET - Joel Schossow, 6772 Wildrye Rd., took oath and stated they are acquiring the Courtyard Banquet Hall which is part of the Lincoln Youth Bison Sports Complex. They do wedding receptions, retirement parties, anniversaries, fund raisers, etc. and have a bar in this facility. The Youth Complex is in the back of the building with the doors between the two facilities being locked. Many times the events in the Banquet Hall and the Sports Complex do not coincide, but can happen occasionally.

This matter was taken under advisement.

AMENDING CHAPTER 5.56 OF THE LINCOLN MUNICIPAL CODE RELATING TO EMERGENCY ALARM SYSTEMS BY AMENDING SECTION 5.56.010 TO ADD AND REVISE DEFINITIONS; AMENDING SECTION 5.56.020 TO MAKE WORDS AND PHRASES CONSISTENT WITH THE DEFINITIONS; ADDING A NEW SECTION 5.56.025 TO SPECIFY PROCEDURES RELATING TO THE PERMITTING OF ALARM BUSINESSES, TO SPECIFY THE LENGTH OF TIME A PERMIT REMAINS VALID, TO SPECIFY THE FEE FOR AN ALARM BUSINESS PERMIT, TO SPECIFY THE TIME PERIOD ALLOWED FOR RENEWAL OF ALARM BUSINESS PERMITS, AND TO PROVIDE A FEE FOR FAILURE TO OBTAIN A PERMIT; AMENDING SECTION 5.56.030 TO REQUIRE PERMITS FOR ALL ALARM USERS, TO SPECIFY THE LENGTH OF TIME A PERMIT REMAINS VALID, TO SPECIFY THE TIME PERIOD ALLOWED FOR RENEWAL OF ALARM USER PERMITS, AND TO PROVIDE FOR A PERMIT FEE; AMENDING SECTION 5.56.040 TO REQUIRE AN ALARM BUSINESS TO IMMEDIATELY NOTIFY THE ALARM USER OF AN ALARM, TO PROVIDE A PROCEDURE FOR NOTIFICATION OF THE EMERGENCY COMMUNICATIONS/911 CENTER OF AN EMERGENCY ALARM, AND TO DELETE REQUIREMENTS THAT NOTIFICATION BE MADE BY THE CHIEF OF POLICE; AMENDING SECTION 5.56.050 TO ESTABLISH A FEE SCHEDULE FOR FALSE ALARMS TO BE ASSESSED TO THE ALARM USER DURING THE ALARM USER PERMIT TERM AND OTHER FEES; ADDING A NEW SECTION 5.56.055 TO PROVIDE AN APPEAL PROCESS; ADDING A NEW SECTION 5.56.065 RELATING TO THE PROCESS FOR NOTICES AND SERVICE OF THE SAME; AMENDING SECTION 5.56.080 TO CHANGE THE PENALTY LANGUAGE TO INCLUDE A

\$50-\$500 FINE FOR VIOLATION OF SECTION 5.56.020; AND ADDING A NEW SECTION 5.56.090 TO ESTABLISH A SEVERABILITY SECTION FOR CHAPTER 5.56 - John Spatz, Council Person, stated this Ordinance is due to the many false alarms which is draining the City's resources when the Police Department responds to an alarm that is not valid. There will be an appeal process before the Alarm Review Board to be appointed by the Mayor.

Tom Casady, Lincoln Police Chief, came forward in support of this ordinance. He stated two officers respond to each alarm. This year there were 83 false alarms more than once at different addresses. One business had 23. There have been a total of 2,972 alarms for this year. 1/3 are employee error and many are from the alarm system not being installed correctly. Boulder, Colorado and Fremont, California have fewer false alarms than Nebraska.

Richard Slama, 4930 Larkwood Rd., came forward in opposition to the permit fee and the resident user false alarm fee portion of the ordinance.

Paul Haith, 2010 S. 80th Street, Alarm Coordinator for a couple communities around Omaha, stated there is a \$25.00 annual registration fee for alarm users and is \$0 for the first false alarm, \$100 for the second and \$250 for all subsequent ones in these communities. In the last year there has been maybe only two second false alarms. The police notify him then he in turn writes a letter informing them they had a false alarm and ask them to check with their alarm company for any maintenance that may need to be done. There is an appeal process.

Coby Mach, LIBA, came forward in support of this ordinance. Andre Mick, LIBA, was available for questions as well. It was suggested that a Lincoln Firefighter be added to the Alarm Review Board. LIBA is suggesting there be a system of no fee whatsoever for the first 10 alarms during the two year period. Then 11 thru 19 false alarms would be \$100 and over 20 false alarms would be \$250 per incident. They are not opposed to the \$100 registration fee.

Danny Walker, 427 "E" Street, stated the company who installs the alarm system needs to be held responsible for faulty alarm systems.

Don Nielsen, NECO Security, 2900 S. 70th Street, suggested a licensing procedure be implemented for alarm companies who install and maintain commercial and residential alarm systems. He mentioned on page 10, line 9 it should say alarm user permit instead of alarm business permit. The registration number of the user must be on file when an alarm report is made to the 911 Center. On page 13, line 7 he thinks there should be a provision for more than 90 days for notification to existing users. On page 14, line 19 the subsection should be 5.56. He feels the \$100 user fee every two years is too high. The idea of the alarm company taking care of the paperwork on behalf of the user in the billing process would be a good idea.

Michael Meridith, President of the Nebraska Alarm Association and President of SEI Security Equipment, recommends the licensing for installers should be done at the State level not the City level. The ordinance states that every alarm company should make a verified call to the client before they dispatch the police. It is recommended there should be an enhanced call verification which means you make two calls before dispatching the police. This is mandatory in Omaha.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, THE STATE OF NEBRASKA DEPARTMENT OF ROADS, AND BNSF RAILWAY COMPANY REGARDING THE CLOSURE OF PUBLIC RAILROAD CROSSINGS LOCATED AT 2ND AND J STREETS AND 3RD AND J STREETS - Chad Blahak, Public Works & Utilities, stated this resolution simply allows the City to enter into an agreement to accept the reimbursement for some of the Quiet Zone projects from the State and from the Railroad Transportation Safety District.

Danny Walker, 427 "E" Street, came forward in opposition to the closing of the 2nd and 3rd Street railroad crossing.

This matter was taken under advisement.

ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2009 - Russ Shultz, Weed Control Authority, stated last year there were 2,005 total enforcement, but dropped 156 this year. In 2007 it was only 110. He stated a lot of this has to do with foreclosures.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS FOR DESIGN AND CONSTRUCTION OF WATER QUALITY AND STREAM STABILITY FEATURES AT THE NORTH STAR HIGH SCHOOL PROPERTY GENERALLY LOCATED NORTHWEST OF FOLKWAYS BLVD. AND N. 33RD STREETS - Ben Higgins, Public Works & Utilities, stated this is a contract with Lincoln Public Schools to design and construct a stream stability and water quality project on North Star High School property. North Star will maintain it over the

long term. NRD is cost sharing one-half and one-half of the construction and design. The plan is to get a NDQ grant to do the construction, hopefully, for 60% of the cost. The City's cost is \$87,200.

This matter was taken under advisement.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE CITY AND THE LOWER PLATTE SOUTH NRD TO PRESERVE THE FLOOD STORAGE CAPACITY ON PROPERTIES GENERALLY LOCATED WEST OF 10TH AND MILITARY ROAD - Ben Higgins, Public Works & Utilities, stated this is a conservation easement with NRD adjacent to Creekside Village and behind the Indian Center. This will be no net fill.

Rick Hoppe, Mayor's Office, stated this is to resolve issues with removal of fill from the area immediately north of the Indian Center. A surplus property agreement will be coming before the Council later on which includes 1.8 acres in the flood plain which has no value to build on. This property will be deeded over to the Indian Center for \$10,000 and they will maintain that property. The City will maintain the easement agreement over that stretch so it remains flood storage. The Indian Center has some drainage issues so a rain garden will be constructed with money from the Nebraska Department of Environmental Quality to help them develop the rain garden which will cost approximately \$13,000 to \$17,000. The Indian Center will have to match it with a 10% match with volunteer hours or other in-kind services to help get this established. The developer will gravel a road that would go from NW 12th Street to the east into this property so they can have circulation for cars coming into this area. The developer will be reimbursed with CDBG funds up to \$10,000 to complete this project.

Danny Walker, 427 "E" Street, expressed his opinion against building on top of the levy system.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE UNIVERSITY OF NEBRASKA-LINCOLN SCHOOL OF VETERINARY MEDICINE AND BIOMEDICAL SCIENCES FOR UNL STUDENTS TO OBSERVE IN THE ANIMAL CONTROL PROGRAM FOR THEIR VETERINARY COMMUNITY EDUCATION PROGRAM FOR A TERM OF JANUARY 1, 2010 TO DECEMBER 31, 2013 - Bruce Dart, Director of Health Department, stated this agreement is to broaden the students' exposure to community issues related to animals and, hopefully, help them develop a research agenda.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO LEASE BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE AMERICAN RED CROSS FOR THE LEASE OF SPACE AT 220 OAKCREEK DRIVE TO PROVIDE SPACE FOR THE CITY'S HAZARDOUS MATERIALS VEHICLE, TO EXTEND THE EXPIRATION OF THE TERM FROM DECEMBER 31, 2009 TO DECEMBER 31, 2012 - Bruce Dart, Director of Health Department, stated the Health Department has had this lease agreement for six years to keep the hazardous materials vehicle in a climate controlled area. Hopefully a three year lease can be signed.

This matter was taken under advisement.

APPROVING A SUPPLEMENT TO COOPERATIVE AGREEMENT BETWEEN THE CITY AND THE LOWER PLATTE SOUTH NRD TO EXTEND THE TERM FOR MANAGEMENT OF THE CITY'S WETLAND MITIGATION BANK FOR A PERIOD OF FIVE YEARS, AND TO INCREASE THE NRD'S MANAGEMENT FEE FROM \$3,500 TO \$4,500 ANNUALLY - Ben Higgins, Public Works & Utilities, stated this is a continuation of the maintenance agreement for the 250 acres of wetland bank northwest of 98th and Cornhusker. The City and County can use this for mitigation credits. The NRD is more experienced at this maintenance.

This matter was taken under advisement.

APPROVING A REQUEST FOR RELAXATION OF STANDARDS FROM THE STATE OF NEBRASKA, BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS TO ALLOW THE USE OF THREE FOOT SHOULDERS ON THE CODDINGTON AVENUE PROJECT - Chad Blahak, Public Works & Utilities, stated this gives the City authority to submit a request to the State Board to waive some state standards for the shoulder width roadway project on Coddington.

This matter was taken under advisement.

APPROVING 12 RECOVERY GO GREEN INITIATIVE CONTRACTS FOR NINE FULL-TIME AND THREE PART-TIME AMERICORPS MEMBERS, SPONSORED BY THE CITY PARKS AND RECREATION DEPARTMENT, FOR A 15-MONTH PROGRAM FUNDED THROUGH A FEDERAL AMERICORPS PROGRAM GRANT - Lynn Johnson, Director of Parks & Recreation, stated this is the Domestic Peace Corp program which is federally funded. The Parks Department manages the grant. The Americorp members are placed in Parks & Recreation programs and other agencies and organizations. This is funded with stimulus funds so it is a 15 month program.

This matter was taken under advisement.

APPROVING THE BLOCK 68 REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND ACHER ARMS, LLC, RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 10TH, 11TH, M AND N STREET. (RELATED ITEMS: 09R-220, 09R-221); AMENDING THE FY 2009/10 CAPITAL IMPROVEMENT PROGRAM TO AUTHORIZE AND APPROPRIATE \$4.383 MILLION IN TIF FUNDS FOR THE BLOCK 68 REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 10TH, 11TH, M AND N STREETS. (RELATED ITEMS: 09R-220, 09R-221) - David Landis, Director of Urban Development, stated this will 1. Carry out the Comprehensive Plan; 2. Carry out the essence of the Downtown Master Plan; 3. Improve a set of utilities in this area to be moved or buried to include water mains & replace sewers. There will be a unique entertainment center specific to the downtown analysis. This project will create permanent and temporary jobs. There will be 30' sidewalks with a double row of trees on the south and east side. This will be financed by the developer with developer purchased bonds.

Don Herz, Director of Finance, explained how the developer purchased TIF bond would work. The developer pays their property taxes and those property taxes are remitted to the City. There would be a deed instrument between the City and the developer or the developers bank. He is limited to paying off whatever increment property taxes we receive. The developer is at risk should those amounts not come in. There would be a deed instrument indicating an obligation to pay those amounts to the developer or to the developers bank. It will be stated in the bond a set maximum interest rate which will be set at an appropriate rate. The City is responsible for collecting the TIF.

Adam Hornung, Council Member, stated he wanted to make sure someone is on the record for how this money gets used or going on the record to say we have no idea how it is going to be used, but it's six lines up it says "any excess TIF revenue, or any TIF revenue in excess of the indebtedness shall be expended by the City or returned to the applicable taxing authorities as provided in the Community Development Law." If we had an extra million dollars what would the Community Development Law say?

Mr. Landis stated we have used it in the past for purposes inside the redevelopment area for public improvements of one kind or another. In fact there is a way in which we may be able to have a benefit that is not unrelated to the example, if I can go a little further Councilman? There is a TIF project about a block and a half down on M Street. It's where the Chamber of Commerce is now located. The increment that was produced by that project was greater than the obligations. Now, I'm not sure if there's still some debt on the project or not, but we know there's going to be more money that's been created by the increment than is necessary to meet the obligation so there is some overage. Should we want to we might come back to the City Council because we have talked to the developer about it and say if we could change the boundaries of that project to include M Street down this way we could take that excess money and the City could use it for the purpose of hiring a designer for an M Street project and rather than any existing facility, or existing resources we don't have we could use the tax increment overage, the spill over TIF on a project on M Street, but a block and half down to do (inaudible) have in fact a City chosen designer to do a streetscape. One of the things we have said to the developer is by the way although you have the obligation to pay a designer and hire and do one it would be in both of our interest to supplant your obligation with an obligation that we would have with that money to get a designer to do the entire M Street promenade. They are amenable to that and we are amenable to that. It will take, however, coming to the Council saying "could we alter a boundary for a TIF district to include M Street so that the City could get a designer with that pot of money which it does not have access to for property tax relief, if you will, or something like that." To do this civic benefit all up and down M Street. That would be an example, Councilman, of what you could do with the overage of tax increment financing should it be available. Otherwise, in addition to that opportunity we could also do this. We could pay off the bonds early and then that would go on the tax roles and be distributed and then the taxes would be distributed in their normal pattern to us, the schools, the counties, the NRD, etc. We would have that option.

Gill Peace, Bahr Vermeer, Haecker Architects, 440 N. 8th Street, Ste 100, came forward to show some design images of the project explaining the nine story residential apartment block, 15,000 sq. ft. of retail, the hotel with the first two floors for banquets, meeting rooms, entertainment, and restaurant. There will be a terrace outdoor entertainment space. Parking will be in a lower level. They are now in schematic design looking at the third dimension design of the building. They will be designing streetscapes for 11th and M Street either separately with the City or through the developer.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Randy Acher the redeveloper, stating what you have today is a parking lot with old water and sewer lines and overhead electrical lines. The proposed development is two very handsome buildings

representing a 30 million dollar investment in downtown. The entertainment component will draw people into the downtown and contribute to the comprehensive plan vision for a downtown entertainment center. This will create jobs and takes the first step in implementing the promenade plan for 11th and M Street. This is the kind of project that TIF was designed to assist and promote. It guarantees the City has no financial risk in this enterprise.

Karen Peterson, Security National Properties, 1033 O Street, came forward as the manager of property of the Gold's Building and the Atrium Building with the concern of losing the parking lot her tenants currently use. She feels this will take away her leasing capabilities.

William Olson, P.O. Box 800, 134 S. 13th Street, came forward representing developer Randy Acher, to state the owners of Gold's, SN Commercial, were approached by the developer representative about the parking concerns and were willing to work out an arrangement, but SN Commercial said this would never happen. It is not the developers responsibility to provide parking for the lost parking. The City is trying to find a solution to the parking issue.

Richard Halvorsen, 6311 Inverness Road, came forward to ask if federal money such as HUD was being used for this project.

Ed Svotek, 1235 N Street, Chairman of the Downtown Lincoln Association, came forward to question: 1. The frontage along M Street; 2. Parking. Nelnet will be adding 250 jobs in the downtown area. 3. Capacity for hotels. If the lender is willing to take the risk after studying this market and the amount of hotels that are currently in place then that is what the market system is designed to do. It will be important that the entire project be completed. DLA supports this project.

Mr. Landis came forward for rebuttal. In answer to the question about federal money, under Section 221-(d)(4) the National Housing Act, this is the program under which Greystone has a pre-application on this project under the multi-family accelerated process. The final application remains to be done. The fact that Lincoln is growing downtown is the reason for parking issues not this development. This development is not asking the City to provide parking, they are providing 220 spaces for their own parking without TIF assistance. The 11th Street promenade vision is stronger than it was.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS - NONE

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JANUARY 4, 2010 AT 3:00 P.M. FOR APPLICATION OF HONG'S, INC. IV DBA CHINA BUFFET FOR AN ADDITION TO LICENSED PREMISES FOR AN OUTDOOR PATIO AREA MEASURING 11' X 60' LOCATED AT 120 N. 66TH STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85607 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 4, 2010 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Hong's Inc. IV dba Hong Zheng for an addition to licensed premises for an outdoor patio area measuring 11' x 60' located at 120 N. 66th Street.

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

Introduced by Adam Hornung

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

LIQUOR RESOLUTIONS

APPLICATION OF LAS GOLONDRINAS, INC. DBA MAZATLAN II MEXICAN RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 2711 KING LANE, SUITE 201 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85608 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 Las Golondrinas, Inc. dba Mazatlan II Mexican Restaurant for a Class "I" liquor license at 2711 King Lane, Suite 201, Lincoln,

Nebraska, for the license period ending April 30, 2010, 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 Jon Camp

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

MANAGER APPLICATION OF RUBEN ARCE-PALOMERA FOR LAS GOLONDRINAS, INC. DBA MAZATLAN II MEXICAN RESTAURANT AT 2711 KING LANE, SUITE 201 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85609 WHEREAS, Las Golondrinas, Inc. dba Mazatlan II Mexican Restaurant located at 2711 King Lane, Suite 201, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Ruben Arce-Palomera be named manager;

WHEREAS, Ruben Arce-Palomera 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 Ruben Arce-Palomera 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 Jon Camp

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

APPLICATION OF LINCOLN BISON LLC DBA COURTSIDE BANQUET HALL FOR A CLASS I LIQUOR LICENSE AT 710 HILL STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85610 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 Lincoln Bison LLC dba Courtside Banquet Hall for a Class "I" liquor license at 710 Hill Street, Lincoln, Nebraska, for the license period ending April 30, 2010, 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 Jon Camp

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

MANAGER APPLICATION OF JOEL W. SCHOSSOW FOR LINCOLN BISON LLC DBA COURTSIDE BANQUET HALL AT 710 HILL STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85611 WHEREAS, Lincoln Bison LLC dba Courtside Banquet Hall located at 710 Hill Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Joel W. Schossow be named manager;

WHEREAS, Joel W. Schossow 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 Joel W. Schossow 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 Jon Camp

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

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

AMENDING CHAPTER 5.56 OF THE LINCOLN MUNICIPAL CODE RELATING TO EMERGENCY ALARM SYSTEMS BY AMENDING SECTION 5.56.010 TO ADD AND REVISE DEFINITIONS; AMENDING SECTION 5.56.020 TO MAKE WORDS AND PHRASES CONSISTENT WITH THE DEFINITIONS; ADDING A NEW SECTION 5.56.025 TO SPECIFY PROCEDURES RELATING TO THE PERMITTING OF ALARM BUSINESSES, TO SPECIFY THE LENGTH OF TIME A PERMIT REMAINS VALID, TO SPECIFY THE FEE FOR AN ALARM BUSINESS PERMIT, TO SPECIFY THE TIME PERIOD ALLOWED FOR RENEWAL OF ALARM BUSINESS PERMITS, AND TO PROVIDE A FEE FOR FAILURE TO

OBTAIN A PERMIT; AMENDING SECTION 5.56.030 TO REQUIRE PERMITS FOR ALL ALARM USERS, TO SPECIFY THE LENGTH OF TIME A PERMIT REMAINS VALID, TO SPECIFY THE TIME PERIOD ALLOWED FOR RENEWAL OF ALARM USER PERMITS, AND TO PROVIDE FOR A PERMIT FEE; AMENDING SECTION 5.56.040 TO REQUIRE AN ALARM BUSINESS TO IMMEDIATELY NOTIFY THE ALARM USER OF AN ALARM, TO PROVIDE A PROCEDURE FOR NOTIFICATION OF THE EMERGENCY COMMUNICATIONS/911 CENTER OF AN EMERGENCY ALARM, AND TO DELETE REQUIREMENTS THAT NOTIFICATION BE MADE BY THE CHIEF OF POLICE; AMENDING SECTION 5.56.050 TO ESTABLISH A FEE SCHEDULE FOR FALSE ALARMS TO BE ASSESSED TO THE ALARM USER DURING THE ALARM USER PERMIT TERM AND OTHER FEES; ADDING A NEW SECTION 5.56.055 TO PROVIDE AN APPEAL PROCESS; ADDING A NEW SECTION 5.56.065 RELATING TO THE PROCESS FOR NOTICES AND SERVICE OF THE SAME; AMENDING SECTION 5.56.080 TO CHANGE THE PENALTY LANGUAGE TO INCLUDE A \$50-\$500 FINE FOR VIOLATION OF SECTION 5.56.020; AND ADDING A NEW SECTION 5.56.090 TO ESTABLISH A SEVERABILITY SECTION FOR CHAPTER 5.56 - CLERK read an ordinance, introduced by John Spatz, amending Chapter 5.56 of the Lincoln Municipal Code relating to Emergency Alarm Systems by amending Section 5.56.010 to add and revise definitions; amending Section 5.56.020 to make words and phrases consistent with the definitions; adding a new Section 5.56.025 to specify procedures relating to the permitting of alarm businesses, to specify the length of time a permit remains valid, to specify the fee for an alarm business permit, to specify the time period allowed for renewal of alarm business permits, and to provide a fee for failure to obtain a permit; amending Section 5.56.030 to require permits for all alarm users, to specify the length of time a permit remains valid, to specify the time period allowed for renewal of alarm user permits, and to provide for a permit fee; amending Section 5.56.040 to require an alarm business to immediately notify the alarm user of an alarm, to provide a procedure for notification of the Emergency Communications/911 Center of an emergency alarm, and to delete requirements that notification be made by the Chief of Police; amending Section 5.56.050 to establish a fee schedule for false alarms to be assessed to the alarm user during the alarm user permit term and other fees; adding a new Section 5.56.055 to provide an appeal process; adding a new Section 5.56.065 relating to the process for notices and service of the same; amending Section 5.56.080 to change the penalty language to include a \$50-\$500 fine for violation of Section 5.56.020; adding a new Section 5.56.090 to establish a severability section for Chapter 5.56; and repealing Sections 5.56.010, 5.56.020, 5.56.030, 5.56.040, 5.56.050 and 5.56.080 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 1 - 15, 2009 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85612 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated November 16, 2009, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Retha Saathoff	NAS*	Tidewater Finance Company	\$2,147.47
American Family Insurance Group		Eugene J. LeDuc	189.03
(Claim #00-071-496134-3909)	\$1,898.00	Bryan Coniglio	2,455.89
		Farmers Insurance Group	
* No Amount Specified		(Claim #099 SUB 1014694742-1)	2,402.46
		Matt McCarville	1,027.51

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, THE STATE OF NEBRASKA DEPARTMENT OF ROADS, AND BNSF RAILWAY COMPANY REGARDING THE CLOSURE OF PUBLIC RAILROAD CROSSINGS LOCATED AT 2ND AND J STREETS AND 3RD AND J STREETS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85613 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

The attached Crossing Closure Agreement between the State of Nebraska Department of Roads, BNSF Railway Company, and the City of

Lincoln regarding the closure of public road crossings of the BNSF railroad tracks located at railroad mile post 60.30 DOT No. 064339U and railroad mile post 60.23 DOT No. 064336Y (i.e. railroad crossing closures at 2nd and J and 3rd and J Streets) under which the City will receive the sum of \$5,000.00 for each closed crossing from the Department of Roads and from BNSF and the sum of up to \$12,000.00 from the State toward the cost associated with each closure is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed send three originals of the Agreement to Kathy Nuttelman, Highway Operational Analyst II, Rail and Public Transportation Division, Nebraska Department of Roads, P.O. Box 94759, Lincoln, NE 68509-4759 for execution by the State and BNSF.

Introduced by Jonathan Cook

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

ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2009 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85614 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the costs for cutting, clearing, and removing weeds and other worthless vegetation as shown on the attached Weed Assessment Tax Report for January 1, 2009 through December 31, 2009 be and the same are hereby assessed against the properties set opposite each amount, as shown thereon.

Introduced by Jonathan Cook

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS FOR DESIGN AND CONSTRUCTION OF WATER QUALITY AND STREAM STABILITY FEATURES AT THE NORTH STAR HIGH SCHOOL PROPERTY GENERALLY LOCATED NORTHWEST OF FOLKWAYS BLVD. AND N. 33RD STREETS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85615 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln, Nebraska and Lancaster County School District 001, aka Lincoln Public Schools, for design and construction of water quality and stream stability features at North Star High School, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to forward one fully executed original of said Agreement to Ben Higgins, Public Works & Utilities, for transmittal to Lincoln Public Schools.

Introduced by Jonathan Cook

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

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE CITY AND THE LOWER PLATTE SOUTH NRD TO PRESERVE THE FLOOD STORAGE CAPACITY ON PROPERTIES GENERALLY LOCATED WEST OF 10TH AND MILITARY ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85616 WHEREAS, The City of Lincoln desires to grant a conservation easement to the Lower Platte South Natural Resources District to preserve the flood storage capacity on properties generally located northeast of 10th and Military and west of 10th and Military and legally described as Lot 100 and Lot 77, Irregular Tracts located in the South Half of Section 14, Township 10 North, Range 6 East; a portion of Lot 54, Irregular Tract located in the Northwest Quarter of Section 23, Township 10 North, Range 6 East; and a portion of Outlot A, Beanes Addition, located in Section 14, Township 110 North, Range 6 East, Lancaster County, Nebraska as described in the Conservation Easement Agreement attached hereto; and

WHEREAS, conveyance of this conservation easement to the Lower Platte South Natural Resources District would further the goals of the Comprehensive Plan relating to preserving the flood storage capacity by restricting the development of the property.

WHEREAS, the Planning Commission found this proposed conservation easement to be in conformity with the Comprehensive Plan as approved by Resolution No. PC-01171 on July 1, 2009.

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

That the City of Lincoln's offer to grant a conservation easement to the Lower Platte South Natural Resources District over the property legally described above and in accordance with the terms of the Conservation Easement Agreement, attached hereto and marked as Exhibit "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conservation Easement Agreement on behalf of the City of Lincoln, Nebraska.

BE IT FURTHER RESOLVED that the City Clerk is directed to return the original Conservation Easement to Ben Higgins, Public Works and Utilities, for recording with the Register of Deeds.

Introduced by Jonathan Cook

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE UNIVERSITY OF NEBRASKA-LINCOLN SCHOOL OF VETERINARY MEDICINE AND BIOMEDICAL SCIENCES FOR UNL STUDENTS TO OBSERVE IN THE ANIMAL CONTROL PROGRAM FOR THEIR VETERINARY COMMUNITY EDUCATION PROGRAM FOR A TERM OF JANUARY 1, 2010 TO DECEMBER 31, 2013 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85617 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Service Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and the University of Nebraska-Lincoln School of Veterinary Medicine and Biomedical Sciences, to allow UNL students to observe in the Animal Control Program for their Veterinary Community Education Program from January 1, 2010 to December 31, 2013, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Bruce Dart, Lincoln-Lancaster County Health Department Director for transmittal to the University of Nebraska-Lincoln.

Introduced by Jonathan Cook

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

APPROVING AN AMENDMENT TO LEASE BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE AMERICAN RED CROSS FOR THE LEASE OF SPACE AT 220 OAKCREEK DRIVE TO PROVIDE SPACE FOR THE CITY'S HAZARDOUS MATERIALS VEHICLE, TO EXTEND THE EXPIRATION OF THE TERM FROM DECEMBER 31, 2009 TO DECEMBER 31, 2012 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85618 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Amendment to Lease Agreement between the City and the American Red Cross, Cornhusker Chapter, for an extension of the term for the lease of space located at 220 Oakcreek Drive for storage of the Hazmat Vehicle for an additional three-year term expiring December 31, 2012, in accordance with the terms and conditions contained in said Amendment to Lease Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return an original Agreement to the Health Department for transmittal to the American Red Cross.

Introduced by Jonathan Cook

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

APPROVING A SUPPLEMENT TO COOPERATIVE AGREEMENT BETWEEN THE CITY AND THE LOWER PLATTE SOUTH NRD TO EXTEND THE TERM FOR MANAGEMENT OF THE CITY'S WETLAND MITIGATION BANK FOR A PERIOD OF FIVE YEARS, AND TO INCREASE THE NRD'S MANAGEMENT FEE FROM \$3,500 TO \$4,500 ANNUALLY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85619 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Supplement to Cooperative Agreement between the City of Lincoln and the Lower Platte South Natural Resources District to provide management of City's Wetland Mitigation Bank by the Lower Platte South Natural Resources District, upon the terms and conditions set out in said Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Cooperative Agreement on behalf of the City. This document supplements a resolution (A-82007) which had been in place to allow the Lower Platte South Natural Resource District to provide management of the City's Wetland Mitigation Bank.

The City Clerk is directed to return one fully executed copy of said interlocal Agreement to the Lower Platte South NRD, Attn: Dan Schulz, P.O. Box 8351, Lincoln, NE 68501-3581.

Introduced by Jonathan Cook

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

APPROVING A REQUEST FOR RELAXATION OF STANDARDS FROM THE STATE OF NEBRASKA, BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS TO ALLOW THE USE OF THREE FOOT SHOULDERS ON THE CODDINGTON AVENUE PROJECT - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85620 WHEREAS, the State of Nebraska, Board of Public Roads Classifications and Standards has established a minimum shoulder width of 8 feet for non-curbed Urban Arterial Streets; and

WHEREAS, the 3 foot wide shoulders proposed for non-curbed Urban Arterial Streets under City Project 701903 - South Coddington Avenue, Van Dorn to West Garfield, do not meet such minimum design standard for shoulder widths on Urban Arterial Streets; and

WHEREAS, the City of Lincoln desires to request the Board of Public Roads Classification and Standards to grant an exception to this minimum design standard for shoulder widths so as to not substantially affect project scheduling and to avoid impacts onto adjacent private properties during the proposed reconstruction of this project; and

WHEREAS, the City of Lincoln believes that the granting of such an exception will not impair the safety of traffic within the limits of these projects;

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

Pursuant to Neb. Rev. Stat. § 39-2113(5) (Reissue 2008), the City of Lincoln does hereby request that the Board of Public Roads Classifications and Standards grant an exception to the above described minimum shoulder width to allow 3 foot wide shoulders for the following City Project: 701903 - South Coddington Avenue, Van Dorn to West Garfield.

BE IT FURTHER RESOLVED that the Director of Public Works and Utilities is hereby authorized and directed to forward a copy of this Resolution to the Board of Public Roads Classifications and Standards as a part of the City of Lincoln's request for the design exception.

Introduced by Jonathan Cook

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

APPROVING 12 RECOVERY GO GREEN INITIATIVE CONTRACTS FOR NINE FULL-TIME AND THREE PART-TIME AMERICORPS MEMBERS, SPONSORED BY THE CITY PARKS AND RECREATION DEPARTMENT, FOR A 15-MONTH PROGRAM FUNDED THROUGH A FEDERAL AMERICORPS PROGRAM GRANT - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85621 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Recovery Go Green Initiative Contracts for nine full-time and three part-time AmeriCorps Members, sponsored by the City Parks and Recreation Department, for a 15-month program which is funded through a Federal AmeriCorps Program grant, in accordance with the terms and conditions contained in said Contracts, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return an original of each of the 12 Contracts to Lynn Johnson, Parks and Recreation Department Director for transmittal to the parties.

Introduced by Jonathan Cook

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

APPROVING THE BLOCK 68 REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND ACHER ARMS, LLC, RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 10TH, 11TH, M AND N STREET. (RELATED ITEMS: 09R-220, 09R-221) - PRIOR to reading:

COOK Moved to delay action on Bill No. 09R-220 for one week to 12/14/09.

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

AMENDING THE FY 2009/10 CAPITAL IMPROVEMENT PROGRAM TO AUTHORIZE AND APPROPRIATE \$4.383 MILLION IN TIF FUNDS FOR THE BLOCK 68 REDEVELOPMENT PROJECT GENERALLY LOCATED BETWEEN 10TH, 11TH, M AND N STREETS. (RELATED ITEMS: 09R-220, 09R-221) - PRIOR to reading:

COOK Moved to delay action on Bill No. 09R-221 for one week to 12/14/09.

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (as required) - NONE

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

AMENDING SECTION 9.16.250 OF THE LINCOLN MUNICIPAL CODE RELATING TO RESIDENCY RESTRICTIONS FOR SEXUAL PREDATORS TO AMEND THE DEFINITION OF SEXUAL PREDATOR TO CONFORM WITH STATE STATUTE AND TO ESTABLISH AN EFFECTIVE DATE OF JANUARY 1, 2010 - PRIOR to reading:

SPATZ Moved to amend Bill No. 09-149 in the following manner: On page 1, line 25, delete "in Neb. Rev. Stat. § 29-4016" and insert in lieu thereof the following: by Nebraska state statute.

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

CLERK Read an ordinance, introduced by Eugene Carroll, amending Section 9.16.250 of the Lincoln Municipal Code relating to Residency Restrictions for Sexual Predators to amend the definition of sexual predator to conform with state statute; repealing Section 9.16.250 of the Lincoln Municipal Code as hitherto existing; and establishing an effective date of January 1, 2010, the third time.

CARROLL Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19334**, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE AIRPORT AUTHORITY OF THE CITY OF LINCOLN AND THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR THE LEASE OF STORAGE SPACE BY THE HEALTH DEPARTMENT AT BUILDING 2714 IN LINCOLN AIR PARK WEST FOR A ONE-YEAR PERIOD FROM DECEMBER 1, 2009 THROUGH NOVEMBER 30, 2010 - CLERK read an ordinance, introduced by Eugene Carroll, accepting and approving a Lease Agreement between the Airport Authority of the City of Lincoln, Nebraska and the Lincoln-Lancaster County Health Department for a lease of storage space by the Health Department at Building 2714 in Lincoln Air Park West for a one-year period from December 1, 2009 through November 30, 2010, the third time.

CARROLL Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19335**, is recorded in Ordinance Book #26, Page

ADOPTING AN AMENDED AND RESTATED CITY OF LINCOLN EMPLOYEES' RETIREMENT PLAN AND TRUST FOR CIVILIAN (NON-UNIFORMED SERVICE) EMPLOYEES PROVIDING FOR A CHANGE IN EMPLOYER CONTRIBUTIONS FOR EMPLOYEES HIRED AFTER A DATE CERTAIN AND ADOPTING IRS INTERIM AMENDMENTS NOS. 1 AND NO. 2. (10/5/09 - Action Delayed to 10/12/09) (10/12/09 - Action Delayed to 10/19/09) (10/19/09 - Action Delayed to 10/26/09) (10/26/09 - Action Delayed to 11/2/09) (11/2/09 - Action Delayed to 11/9/09) (11/9/09 - Action Delayed to 11/16/09) (11/16/09 - Action Delayed to 11/30/09) - PRIOR to reading:

SNYDER Moved to delay action of Bill No. 09-132 for one week to 12/14/09.

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

CLERK Read an ordinance, introduced by Jane Snyder, adopting an amended and restated version of the City of Lincoln Employees' Retirement Plan and Trust to provide that the employer contribution for employees hired on or after November 4, 2010 will be an amount equal to 3% of an employee's compensation up to and including \$4,800.00 plus 6% of his or compensation in excess of \$4,800.00 plus 6% of his or compensation in excess of \$4,800.00; to adopt Interim Amendment No. 1 relating to final IRS regulations under Internal Revenue Code Section 415 and Section 411(d)(6); and to adopt Interim Amendment No. 2 relating to the plan qualification requirements under the Pension Protection Act of 2006 (PPA) and other I.R.S. guidance; and to repeal Ordinance No. 17685 as hitherto existing, the third time.

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to December 14, 2009.
Seconded by Carroll & carried by the following vote: AYES: Camp,
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on
December 14, 2009.
Seconded by Carroll & carried by the following vote: AYES: Camp,
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 6:51 P.M.

CAMP Moved to adjourn the City Council meeting of December 7, 2009.
Seconded by Carroll & carried by the following vote: AYES: Camp,
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant