

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 14, 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

SNYDER Having been appointed to read the minutes of the City Council proceedings of December 7, 2009 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Rick Hoppe, Mayor's Chief of Staff, presented Deborah Baines, an office specialist in Aging Partners with the November Mayor's Award of Excellence for the categories of Customer Relations, Loss Prevention and Productivity. To save money without cutting services, Aging Partners decreased its square footage by 20 percent, saving more than 12-thousand dollars a month. Deb played a pivotal role during this move by continually monitoring progress and calmly adjusting the schedule as needed. She recruited and supervised volunteers and a team from County Corrections which saved money, reduced damage and limited downtime for staff. Her positive attitude kept morale up during a difficult time.

June Pederson, Aging Director, stated it is a delight to recognize Deb. Deb was the person who stepped in and made the sequence of things happen. There was almost no down time. There were 110 individual locations that were moved to include offices, storage areas & other places and 11,000 pounds of recyclable paper was gotten rid of.

PUBLIC HEARING

APPLICATION OF NADER'S INC. DBA BILLY'S RESTAURANT FOR THE ADDITION OF AN OUTDOOR SIDEWALK CAFÉ AREA MEASURING APPROXIMATELY 14 FEET BY 17 FEET TO THE SOUTH OF THE LICENSED PREMISES AT 1301 H STREET - Nader Farahbod, 1301 H Street, took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF OMAHA EXPOSITION AND RACING INC. DBA LINCOLN RACE COURSE FOR A CLASS C AND K LIQUOR LICENSE AT 1800 STATE FAIR PARK;
MANAGER APPLICATION OF JUDD A. BIETZ FOR OMAHA EXPOSITION AND RACING INC. DBA LINCOLN RACE COURSE AT 1800 STATE FAIR PARK - Sean Kelley, 7134 Pacific Street, Omaha, took the oath and came forward to answer questions on behalf of the applicant.

Judd Bietz, took the oath and was also available for questions.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON NOVEMBER 30, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED OCTOBER 31, 2009 - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85622 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended October 31, 2009, \$311,470.23 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jane Snyder

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

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REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS
OCTOBER 31, 2009 - CLERK presented said report which was placed on file
in the Office of the City Clerk. (5-21)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR
NOVEMBER 2009 - CLERK presented said report which was placed on file in
the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF OCTOBER, 2009
FROM BLACK HILLS/NEBRASKA GAS UTILITY COMPANY, LLC - CLERK presented
said report which was placed on file in the Office of the City Clerk.
(16-1)

REPORT FROM CITY TREASURER OF COUNTY E911 FOR THE PERIOD JULY TO SEPTEMBER
2009: TWC DIGITAL PHONE; SEPTEMBER 2009: CHARTER FIBERLINK; OCTOBER
2009: AT&T OF MIDWEST, ACN, COMTEL TELCOM ASSETS, GRANITE, QWEST COMM.,
8X8, TWC DIGITAL PHONE, LEVEL 3, LEVEL 3, VONAGE AMERICA, VONAGE
AMERICA, BUDGET PREPAY, INETWORK GROUP, INETWORKS GROUP, 8X8 - CLERK
presented said report which was placed on file in the Office of the City
Clerk. (20)

REPORT FROM CITY TREASURER OF OCCUPATION TAXATION FOR JULY TO SEPTEMBER 2009:
MEGAPATH, RELIANCE, MATRIX; SEPTEMBER 2009: AT&T, USCOC OF GREATER IOWA,
TWC DIGITAL PHONE, VIRGIN MOBILE USA, NEBRASKA TECHNOLOGY & TELECOMM.,
WINDSTREAM NEBRASKA #150, WINDSTREAM NEBRASKA #494, SPRINT, NEW CINGULAR
WIRELESS, QWEST COMM., VERIZON WIRELESS, OMAHA CELLULAR, GUARANTEED
PHONE SERVICE, CELLCO PARTNERSHIP, NORSTAN NETWORK, SIOUX CITY MSA, 800
RESPONSE INFO., NETWORK BILLING, BROADWING, UCN, AIRESRING, GRANITE,
TELECORP, PRIMUS, USCOC OF NE/KS, XO, WORKING ASSETS, ARIZONA TELEPHONY,
GLOBAL CROSSING, COMTEL, ACN, IDT DOMESTIC, GLOBALSTAR USA, MCLEODUSA,
ONSTAR, TRANS NATIONAL, ACCESSLINE, PUBLIC COMM., QUANTUM SHIFT, FARM
BUREAU, TON SERVICES, KDDI AMERICA, CINCINNATI BELL, INTELICAL
OPERATOR, TCG OMAHA, CIT LONG DISTANCE, VOICECOM, TRACFONE, IBM GLOBAL,
CIMCO; OCTOBER 2009: UNITE PRIVATE NETWORKS, D&D, NEXTEL, SPRINT,
SPRINT SPECTRUM, MCI, WINDSTREAM NEBRASKA #150, SBC LONG DISTANCE,
NETWORK BILLING, BT AMERICAS, TOTAL HOLDINGS, LIGHTYEAR, ZONE TELECOM,
TRI-M, ENHANCED COMM., TSG GLOBAL, NOSVA, FIRST COMMUNICATIONS,
GLOBALCOM, 360NETWORKS(USA), VIAERO WIRELESS, NOS, WHOLESALE CARRIER,
NEXTEL WEST, COVISTA, ATS MOBILE, PIONEER TELEPHONE, YESTEL USA, I-
WIRELESS - CLERK presented said report which was placed on file in the
Office of the City Clerk. (20)

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 09027 - requested by Manzitto, Inc. and Michael Builders
corp. from R-3 to B-2 on property located at Lucile Drive and Pioneers
Boulevard.

Change of Zone 09028 - requested by Lancaster County Board of
Commissioners from P to R-4 on property located at S. 10th Street and
South Street.

Special Permit 384G - requested by Tabitha Health Care Facilities for an
amendment to expand the existing health care facility on property
located at 4720 Randolph Street.

Special Permit 09027 - requested by Ocho Properties, LLC to allow an
indoor kennel on property located at S. 40th Street and Old Cheney Road.

Administrative Amendment No. 09021 to Change of Zone No. 06075,
Wilderness Commons Planned Unit Development, approved by the Planning
Director on December 2, 2009, requested by Engineering Design
Consultants, LLC., to:

- A. Change the land use on certain lots as shown on the
site plan;
- B. Expand the allowable square feet in the PUD by 20,000
sq. ft. from 600,000 sq. ft. to 620,000 sq. ft.;
- C. Reduce the number of lots in Block 2 from 14 to 6;
- D. Add S. 39th St. as a private roadway;
- E. Add Edelweiss Ct. as a right-in, right-out, on to S.
40th St.;
- F. Revise the site layout and various site notes;
- G. Increase the height from 40 feet to 55 feet in the
interior of the PUD, excluding lots on the perimeter,
on property generally located on the southwest corner of
40th St. and Yankee Hill Rd. - CLERK presented said report
which was placed on file in the Office of the City Clerk.

Administrative Amendment No. 09073 to Special Permit No. 1988, approved by the Planning Director on December 4, 2009, requested by Hausmann Construction, Inc., to:

- A. Transfer the 30 unassigned dwelling units to Lot 3, Tamarin Ridge 1st Addition, to bring the total multi-family dwelling units permitted on this lot to 190;
- B. Clarify Note #1 under Community Unit Plan General Notes on building height, on property generally located at 7400 Jacob Creek Dr.
- CLERK presented said report which was placed on file in the Office of the City Clerk.

SETTING THE HEARING DATE OF MONDAY, JANUARY 4, 2010, AT 3:00 P.M. FOR THE APPLICATION OF WHITEHEAD, INC. DBA U STOP 4 FOR A CLASS D LIQUOR LICENSE LOCATED AT 6600 N. 84TH STREET - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85623 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 Whitehead, Inc. dba U Stop 4 for a Class D liquor license located at 6600 N. 84th Street.

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

Introduced by Jane Snyder

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 11, 2010, AT 3:00 P.M. ON THE FOLLOWING APPLICATIONS FOR 11 WALGREEN COMPANY LOCATIONS FOR CLASS D LIQUOR LICENSES: 5701 VILLAGE DRIVE, 8300 NORTHERN LIGHTS DRIVE, 5500 RED ROCK LANE, 1301 O STREET, 2600 S. 48TH STREET, 7045 O STREET, 4000 S. 70TH STREET, 2502 N. 48TH STREET, 1701 SOUTH STREET, 4811 O STREET AND 2630 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85624 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 11, 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 11 Walgreen Company locations for Class D liquor licenses located at: 5701 Village Drive, 8300 Northern Lights Drive, 5500 Red Rock Lane, 1301 O Street, 2600 S. 48th Street, 7045 O Street, 4000 S. 70th Street, 2502 N. 48th Street, 1701 South Street, 4811 O Street and 2630 Pine Lake Road.

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

Introduced by Jane Snyder

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 11, 2010, AT 3:00 P.M. FOR THE APPLICATION OF TCN INC. DBA CHINASIA FOR A CLASS I LIQUOR LICENSE LOCATED AT 2704 Y STREET - CLERK read the following resolution, introduced by Jane Snyder, who moved its adoption:

A-85625 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 11, 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 TCN Inc. dba Chinasia for a Class I liquor licenses located at 2704 Y Street.

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

Introduced by Jane Snyder

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

LIQUOR RESOLUTIONS

APPLICATION OF NADER'S INC. DBA BILLY'S RESTAURANT FOR THE ADDITION OF AN OUTDOOR SIDEWALK CAFÉ AREA MEASURING APPROXIMATELY 14 FEET BY 17 FEET TO THE SOUTH OF THE LICENSED PREMISES AT 1301 H STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85626 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 Nader's Inc. dba Billy's Restaurant to expand its licensed premises by the addition of a sidewalk café area measuring 14 feet by 17 feet to the south of the presently licensed premises located

at 1301 H Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that 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 OMAHA EXPOSITION AND RACING INC. DBA LINCOLN RACE COURSE FOR A CLASS C AND K LIQUOR LICENSE AT 1800 STATE FAIR PARK - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85627 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 Omaha Exposition and Racing, Inc. dba Lincoln Race Course for a Class "C" and "K" liquor license at 1800 State Fair Park, Lincoln, Nebraska, for the license period ending October 31, 2010, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 45 days of approval of this resolution.

2. The premise must comply 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF JUDD A. BIETZ FOR OMAHA EXPOSITION AND RACING INC. DBA LINCOLN RACE COURSE AT 1800 STATE FAIR PARK - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption or approval:

A-85628 WHEREAS, Omaha Exposition and Racing Inc. dba Lincoln Race Course located at 1800 State Fair Park, Lincoln, Nebraska has been approved for a Retail Class "C" and "K" liquor license, and now requests that Judd A. Bietz be named manager;

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

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 16 - 30, 2009 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85629 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 December 1, 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>	
Edwin K. Aasen III (Nebraska School of Gymnastics South, Inc.)	\$1,126.00	Farmers Mutual of Nebraska (Claim No. P0904045)	\$ 776.74
Jackie Homan	292.65	Jolyn Carnes	200.00
		John Desmond	3,890.26
		Mark Maryott	1,747.78
		Jeaneana M. Skretta	120.00
		Century Sales & Management, LLC (Howard & Dianne McNenny)	497.45

Leonard Hoggatt 152.69
Brian Snofsky 1,751.74

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 Adam Hornung

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (as required)

APPROVING THE AMENDED AND RESTATED SITE LEASE FROM THE CITY AND THE COUNTY TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION; THE AMENDED AND RESTATED LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY; AND THE ISSUANCE OF NOT TO EXCEED \$4,750,000 OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE BUILDING AND REFUNDING BONDS, SERIES 2010 - CLERK read an ordinance, introduced by Jane Snyder, of the City of Lincoln, Nebraska approving (A) an amended and restated site lease among the Lincoln-Lancaster County Public Building Commission, as lessee, and the City and the County of Lancaster, Nebraska, jointly, as lessor, (B) an amended and restated lease agreement among the City and the County, jointly, as lessee, and the Commission, as lessor, and (C) the issuance of not to exceed \$4,750,000 in principal amount of the Commission's tax supported lease rental revenue building and refunding bonds Series 2010; and related matters, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE VILLAGE OF FIRTH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 311 NEMAHA STREET, FIRTH, NEBRASKA FROM SEPTEMBER 1, 2009 TO AUGUST 31, 2010 - CLERK read an ordinance, introduced by Jane Snyder, accepting and approving a Lease Agreement between the City of Lincoln and the Village of Firth for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 311 Nemaha Street, Firth, NE 68358 for a term beginning September 1, 2009 through August 31, 2010, the first time.

AUTHORIZING THE SALE OF SURPLUS PROPERTY DESCRIBED AS PORTIONS OF LOTS 11 AND 12, WESLEYAN HEIGHTS ADDITION, GENERALLY LOCATED NORTHWEST OF NORTH 41ST STREET AND GREENWOOD STREET TO DENNIS WOHLERS - CLERK read an ordinance, introduced by Jane Snyder, authorizing the sale of a surplus tract of land legally described as a portion of Lots 11 and 12, Wesleyan Heights Addition, Lincoln, Lancaster County, Nebraska, the first time.

ORDINANCES - 3RD 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 - PRIOR to read:

SPATZ Moved to accept a Substitute Ordinance for Bill No. 09-151.

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

- COOK Moved to amend Bill No. 09-151S Substitute Ordinance in the following manner:
1. On page 5, between lines 14 and 15, insert the following language:
Commercial alarm user shall mean any business entity with an alarm system designed, intended, or used at any location primarily used for business purposes or any location used for a business purpose in conjunction with a residential purpose other than a permitted home occupation as defined in Title 27 of the Lincoln Municipal Code.
 2. On page 6, after line 22, insert the following new language:
Residential alarm user shall mean any alarm system user with an alarm system designed, intended, or used at any location primarily used for residential purposes.
 3. On page 9, between lines 20 and 21, insert the following new language:
(f) A permitted alarm business may accept as part of the alarm business, a completed alarm user registration and the alarm user registration fee, provided that the alarm business remits the required alarm user registration and alarm user registration fee to the City as required in this chapter.
 4. On page 10, line 3, after the word "system" insert the following new language:
or have their application submitted by the alarm business, provided the alarm business has agreed in advance to submit the alarm user's permit.
 5. On page 10, line 10, after the word "installed" insert the following new language:
, including whether the location is primarily used for a business purpose, used for a business purpose in conjunction with a residential purpose, or used exclusively for a residential purpose
 6. On page 10, line 12, after "\$100.00" insert the following new language:
for a commercial alarm user and \$60.00 for a residential user
 7. On page 10, lines 14 and 15, delete the first sentence of subsection (1) and insert in lieu thereof the following:
Any alarm user permit application that is submitted by a permitted alarm business must be accompanied by a non-refundable processing fee of \$70.00 for a commercial alarm user, and \$40.00 for a residential alarm user.
 8. On page 10, line 17, after "\$100.00" insert the following new language:
for a commercial alarm user and \$60.00 for a residential alarm user
 9. On page 10, line 18, after "year." insert a new sentence to read as follows:
If the alarm user renewal application is submitted by a permitted alarm business, the non-refundable processing fee shall be \$70.00 for a commercial alarm user and \$40.00 for a residential alarm user.
- Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
- 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 third time.
- SPATZ Moved to pass the ordinance as amended.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.
- The ordinance, being numbered #19336, 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 to 1/04/10.
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.

RESOLUTIONS - ACTION ONLY

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:

HORNUNG Moved to amend Bill No. 09R-220 by accepting the Substitute City of Lincoln Redevelopment Agreement (Block 68) attached hereto to replace the Agreement currently attached as Attachment "A".
Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85630 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the agreement entitled City of Lincoln Redevelopment Agreement (Block 68) which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Acher Arms, LLC, outlining certain conditions and understandings relating to the redevelopment of property generally located between 10th, 11th, M and N Streets by the construction of approximately 110 residential apartment units with associated first-floor commercial/retail space, approximately 110 hotel rooms, approximately 220 parking spaces and related public improvements and streetscape, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Tonya Peters, Assistant City Attorney, for distribution to the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Redevelopment Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the redevelopers.

Introduced by Jonathan Cook

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

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)- CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85631 WHEREAS, Resolution No. A-85490, adopted by the City Council of Lincoln, Nebraska on August 24, 2009, adopted the fiscal year 2009-2010 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-85490 as Schedule No. 5; and

WHEREAS, Resolution No. A-85490 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, Resolution No. A-85547 adopted by the City Council for the City of Lincoln adopted the Block 68 Redevelopment Project as an approved project within the Lincoln Center Redevelopment Plan; and

WHEREAS, a capital improvement project for the Block 68 Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2009-2010; and

WHEREAS, the City desires to amend the first year (2009-2010) of the Fiscal Year 2009/2010 - 2014/2015 Six Year Capital Improvement Program (CIP) to establish a project for the Block 68 Project, and establish appropriations for that project; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has reviewed the Block 68 Project for conformity or nonconformity with the Comprehensive Plan as a capital improvement project as part of the review of the Lincoln Center Redevelopment Plan Amendment approved by Resolution No. A-85547; and

WHEREAS, the Planning Commission found the proposed Block 68 Project to be in conformity with the Comprehensive Plan.

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

That the implementation of the Block 68 Project to construct approximately 110 residential apartment units with associated first-floor commercial/retail space, approximately 110 hotel rooms, approximately 220 parking spaces and related public improvements and streetscape, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-85490 be amended by adding the Block 68 Project to the Urban Development Department's list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget in the amount of \$4.383 million to designate \$4.383 million from Tax Increment Financing for this Block 68 Project.

Introduced by Jonathan Cook

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

OPEN MICROPHONE

Mike Morosin, 1500 N. 15th St., stated that after the first of the year he will come forward to educate the Council of what the citizens of Lincoln are thinking. He feels the Council needs to bring back the citizens trust in City government.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 4, 2010.
Seconded by Spatz & 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 January 4, 2010.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 3:40 P.M.

CAMP Moved to adjourn the City Council meeting of December 14, 2009.
Seconded by Spatz & 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