

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, MARCH 8, 2010 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**

CAMP Having been appointed to read the minutes of the City Council proceedings of March 1, 2010 reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF A.S. HOSPITALITY INC. DBA CAPITAL CITY GRILL FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS C LIQUOR LICENSE AT 301 NORTH 8TH STREET - Aaron Smeall, on behalf of A.S. Hospitality, came forward to take oath and answer questions.

Randall Jones, on behalf of A.S. Hospitality, came forward to take oath and answer questions. He said there are many requests for their catering because diners enjoy their food.

This matter was taken under advisement.

APPLICATION OF OSI RESTAURANT PARTNERS, LLC DBA OUTBACK STEAKHOUSE FOR A CLASS I LIQUOR LICENSE AT 633 NORTH 48TH STREET;  
MANAGER APPLICATION OF ROBERT S. LANGLEY FOR OSI RESTAURANT PARTNERS, LLC DBA OUTBACK STEAKHOUSE AT 633 NORTH 48TH STREET - Robert Langley, 7763 County Road P35, Blair, NE, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF D.L. COLE INC. DBA THE ISLES PUB & PIZZA FOR A CLASS D LIQUOR LICENSE AT 6242 HAVELOCK AVENUE;  
MANAGER APPLICATION OF DAVID L. COLE FOR D.L. COLE INC. DBA THE ISLES PUB & PIZZA AT 6242 HAVELOCK AVENUE - David Cole, 6232 Havelock Ave., came forward to take oath and answer questions. He said they have leased the property adjacent to the east and will expand operations into that area. Because there is no indoor common entrance, he clarified that it therefore requires the business to hold two liquor licenses.

This matter was taken under advisement.

CREATING IMPROVEMENT DISTRICT NO.188 FOR THE PURPOSE OF ACQUIRING EASEMENTS AND ADDITIONAL RIGHT-OF-WAY NECESSARY, BY NEGOTIATION AND PURCHASE OR BY CONDEMNATION IF NECESSARY, FOR THE CONSTRUCTION AND FUTURE MAINTENANCE OF PUBLIC WATER MAINS, SANITARY SEWER AND PAVING FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AND AUGUSTA DRIVE, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES;

CREATING PAVING DISTRICT NO. 2630 FOR THE PURPOSE OF PAVING GLYNOAKS DRIVE FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES;

CREATING WATER DISTRICT NO. 1202 FOR THE PURPOSE OF CONSTRUCTING WATER MAINS FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES;

CREATING SEWER DISTRICT NO. 1186 FOR THE PURPOSE OF CONSTRUCTING SANITARY SEWER MAINS FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - Holly Lionberger, Public Works & Utilities, came forward to state that Hampton Enterprises has requested creation of these Districts which would complete an important transportation connection to an arterial street from the neighboring residences and Maxey Elementary School. She said it would also complete an important loop for the water distribution system for the neighborhood while also providing for water/sanitary sewer service for future development in the area. Ms. Lionberger reported that the project would cost \$1.1 million with a City subsidy just short of \$208,000. In response to Council questions, she said there is currently an ongoing traffic study and a traffic signal will go in when warranted.

Joe Hampton, Hampton Enterprises, came forward to state that while this project will open up a connection to Maxey School, development in this area will allow for the establishment of a full service bank. He said this business will add sales tax and employment to the community.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CHANGING THE TITLE AND PAY RANGE OF PUBLIC WORKS SPECIAL PROJECT ADMINISTRATOR TO PUBLIC WORKS LIAISON AND COMPLIANCE ADMINISTRATOR - Roger Figard, Public Works & Utilities City Engineer, came forward to state that through department evaluation a pressing need was required for additional assistance in the area of compliance. He said never before have City projects, processing and programs been under such scrutiny as they are today by the federal government. In response to Council questions, Mr. Figard said the position would be a newly created classification at a lower pay which would be a replacement of an employee who transferred to Planning.

This matter was taken under advisement.

AMENDING CHAPTER 5.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO DANCES BY AMENDING SECTION 5.20.010 TO LOWER THE AGE IN THE DEFINITION OF "MINOR" FROM NINETEEN YEARS OF AGE TO EIGHTEEN YEARS OF AGE; AMENDING SECTION 5.20.100 TO REQUIRE THE PARENT OR LEGAL GUARDIAN ACCOMPANYING A MINOR TO A PUBLIC DANCE TO REMAIN ON THE PREMISES DESIGNATED IN THE PUBLIC DANCE PERMIT AT ALL TIMES SAID MINOR IS PRESENT AND STRIKING SUBSECTION (B) OF SAID SECTION 5.20.100 TO MAINTAIN CONSISTENCY WITH CHAPTER 5.20 AS AMENDED; AND ADDING A NEW SECTION NUMBERED 5.20.140 TO ESTABLISH A SEVERABILITY SECTION FOR CHAPTER 5.20 - Jeremy Buckley, 1910 Brower St., Event Coordinator with Bourbon Theatre, came forward in support of the amendment. As a UNL graduate himself, Mr. Buckley feels that 18 year-old campus students should be allowed to attend music events at their facility.

Patrick McCabe, 640 S. 17<sup>th</sup> St., UNL Alumnus and five-year SMG Pershing Center employee, came forward in support of the amendment. He expressed confidence that the Bourbon Theatre has staff capable of handling security and alcohol regulations comparable to the standards of Pershing.

Rod M. Confer, City Attorney, came forward to clarify the two different types of dance permits. He said the amendment changes the age at which people can attend adult public dances from 19 to 18 without adult supervision.

Tom Casady, Chief of Police, came forward to answer questions about the ordinance change and how it is completely unrelated to alcohol. He simply clarified that the age of 18 is the floor for a public dance.

Council Chair Emery explained that the decision for that age was reached due to the fact that freshman students living away from home in college dormitories are 18 years old.

Heidi Ore, 1549 S. 23<sup>rd</sup> St., came forward in support of the ordinance change as her particular family is comprised of musicians. She said allowing young adults access to local venues that feature music is a great way to encourage young people to support the arts and establish a pattern of community involvement that makes Lincoln a better place to live.

Dennis Kornbluh, 3401 S. 29<sup>th</sup> St., came forward in support of the ordinance change. He noted that being the largest age range at the University, the 18 to 19-year old market should be allowed the right to attend music venues.

This matter was taken under advisement.

DESIGNATING A RECOVERY ZONE PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 - Don Herz, City Finance Director, came forward explaining that this resolution will allow the City to issue economic recovery zone bonds pursuant to the American Recovery and Reinvestment Tax Act of 2009 offering cost of borrowing advantages with bond issuance sometime this summer.

Lauren Wismer, Gilmore & Bell, 1248 O St., Ste. 710, came forward to answer questions about bond language clarifying that the entire City boundary is identified as the zone that could be eligible for allocations in the amounts of \$17 to \$26 million. He said recovery zone economic development bonds are governmental bonds which are issued by the City to undertake certain kinds of infrastructure projects and paid back by the City. Recovery zone facility bonds are private activity bonds in which the City can act as an issuer for bonds that are a conduit to facilitate borrowing by another party who is responsible.

This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN CONTRACT AGREEMENT BETWEEN THE CITY AND HARTLAND CLEANING SERVICES & ASSOCIATES FOR BUS SHELTER CLEANING FOR A FOUR-YEAR TERM EXPIRING NOVEMBER 30, 2013;

APPROVING THE CITY OF LINCOLN CONTRACT AGREEMENT BETWEEN THE CITY AND MAX I. WALKER UNIFORM RENTAL FOR LINCOLN WATER SYSTEM UNIFORM RENTAL SERVICE FOR A FOUR-YEAR TERM EXPIRING MARCH 8, 2014 - Vince Mejer, City Purchasing Agent, came forward to answer questions and clarified that bus shelter cleaning will amount to \$2,300 per month or \$27,600 annually.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

RESOLUTION SETTING THE INTEREST RATE AND LEVYING THE ASSESSMENTS ON SPECIAL ASSESSMENT GROUP I OF THE BOARD OF EQUALIZATION HELD MARCH 1, 2010 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85760 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The special taxes assessed February 22, 2010, to pay the costs of the improvements in Sewer District 1183 and Sidewalk District 95 are hereby levied and shall bear interest at 6.02% per annum and that the period of time in which the assessments are to be paid shall be as follows:

20 years - Sewer District 1183

5 years - Sidewalk District 95

Introduced by Jon Camp

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

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JANUARY 31, 2010 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85761 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended January 31, 2010, 4273,422.69 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 Jon Camp

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 22, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JANUARY 31, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MARCH 22, 2010 AT 3:00 P.M. FOR THE APPLICATION OF AURA INC. DBA AURA RESTAURANT & BAR FOR A CLASS I LIQUOR LICENSE LOCATED AT 2500 TAMARIN RIDGE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85762 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 22, 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 the application of Aura Inc. dba Aura Restaurant & Bar for a Class I liquor license located at 2500 Tamarin Ridge Road.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

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

THE FOLLOWING HAS BEEN PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 09075 TO CHANGE OF ZONE NO. 05054A PRAIRIE VILLAGE PUD APPROVED BY THE PLANNING DIRECTOR ON FEBRUARY 26, 2010 REQUESTED BY PRAIRIE VILLAGE NORTH, LLC TO REDUCE THE SIDE YARD SETBACK FROM 5 FEET TO 3 FEET ON LOT 88, BLOCK 4 OF THE PUD, ON PROPERTY GENERALLY LOCATED TWO BLOCKS NORTH OF N. 90TH STREET AND ADAMS STREET. THIS AMENDMENT WAS NECESSARY DUE TO AN ERROR MADE DURING THE CONSTRUCTION PROCESS.

### LIQUOR RESOLUTIONS

APPLICATION OF A.S. HOSPITALITY INC. DBA CAPITAL CITY GRILL FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS C LIQUOR LICENSE AT 301 NORTH 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85763 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 ordinance, the City Council recommends that the application of A.S. Hospitality Inc. dba Capital City Grill for the issuance of a Catering Permit to the existing liquor license, located at 301 North 8th 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 a copy of this resolution be transmitted by the City Clerk 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 OSI RESTAURANT PARTNERS, LLC DBA OUTBACK STEAKHOUSE FOR A CLASS I LIQUOR LICENSE AT 633 NORTH 48TH STREET - PRIOR to reading:

CAMP Moved to correct the corporate name of the liquor license application of Outback Steakhouse from ~~OSI Restaurant Partners, LLC~~ to OSF Nebraska Inc.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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

A-85764 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 ~~OSI Restaurant Partners, LLC~~ OSF Nebraska Inc. dba Outback Steakhouse for a Class "I" liquor license at 633 North 48th Street, Lincoln, Nebraska, for the license period ending April 30, 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 30 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF ROBERT S. LANGLEY FOR OSI RESTAURANT PARTNERS, LLC DBA OUTBACK STEAKHOUSE AT 633 NORTH 48TH STREET - PRIOR to reading:

CAMP Moved to correct the corporate name on the manager application of Robert S. Langley for Outback Steakhouse from ~~OSI Restaurant Partners, LLC~~ to OSF Nebraska Inc.

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

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

A-85765 WHEREAS, ~~OSI Restaurant Partners, LLC~~ OSF Nebraska Inc. dba Outback Steakhouse located at 633 North 48th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Robert S. Langley be named manager;

WHEREAS, Robert S. Langley 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 Robert S. Langley 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 D.L. COLE INC. DBA THE ISLES PUB & PIZZA FOR A CLASS D LIQUOR LICENSE AT 6242 HAVELOCK AVENUE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85766 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 D.L. Cole Inc. dba The Isles Pub & Pizza for a Class "D" liquor license at 6242 Havelock Avenue, Lincoln, Nebraska, for the license period ending April 30, 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 30 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 Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

MANAGER APPLICATION OF DAVID L. COLE FOR D.L. COLE INC. DBA THE ISLES PUB & PIZZA AT 6242 HAVELOCK AVENUE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85767 WHEREAS, D.L. Cole Inc. dba The Isles Pub & Pizza located at 6242 Havelock Avenue, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that David L. Cole be named manager;

WHEREAS, David L. Cole 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 David L. Cole 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 - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)

CREATING IMPROVEMENT DISTRICT NO. 188 FOR THE PURPOSE OF ACQUIRING EASEMENTS AND ADDITIONAL RIGHT-OF-WAY NECESSARY, BY NEGOTIATION AND PURCHASE OR BY CONDEMNATION IF NECESSARY, FOR THE CONSTRUCTION AND FUTURE MAINTENANCE OF PUBLIC WATER MAINS, SANITARY SEWER AND PAVING FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AND AUGUSTA DRIVE, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by John Spatz, creating Improvement District No. 188, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, providing for the acquisition of title, by purchase or by condemnation proceedings, to the lands and lots necessary for the completion of the improvements therein, and repealing all ordinances and parts of the ordinances in conflict herewith, the second time.

CREATING PAVING DISTRICT NO. 2630 FOR THE PURPOSE OF PAVING GLYNOAKS DRIVE FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by John Spatz, creating Paving District No. 2630, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and laying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING WATER DISTRICT NO. 1202 FOR THE PURPOSE OF CONSTRUCTING WATER MAINS FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by John Spatz, creating Water District No. 1202, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING SEWER DISTRICT NO. 1186 FOR THE PURPOSE OF CONSTRUCTING SANITARY SEWER MAINS FROM THE INTERSECTION OF BETTY LOU BLVD. AND GLYNOAKS DRIVE TO THE WEST SIDE OF 84TH STREET AT AUGUSTA DRIVE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by John Spatz, creating Sewer District No. 1186, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CHANGING THE TITLE AND PAY RANGE OF PUBLIC WORKS SPECIAL PROJECT ADMINISTRATOR TO PUBLIC WORKS LIAISON AND COMPLIANCE ADMINISTRATOR - CLERK read an ordinance, introduced by John Spatz, amending Section 1 of Ordinance No. 18971 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M", by changing the title and pay range of the job classification "Public Works Special Project Administrator" within the M03 pay range to "Public Works Liaison and Compliance Administrator" within the M02 pay range, the second time.

AMENDING CHAPTER 5.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO DANCES BY AMENDING SECTION 5.20.010 TO LOWER THE AGE IN THE DEFINITION OF "MINOR" FROM NINETEEN YEARS OF AGE TO EIGHTEEN YEARS OF AGE; AMENDING SECTION 5.20.100 TO REQUIRE THE PARENT OR LEGAL GUARDIAN ACCOMPANYING A MINOR TO A PUBLIC DANCE TO REMAIN ON THE PREMISES DESIGNATED IN THE PUBLIC DANCE PERMIT AT ALL TIMES SAID MINOR IS PRESENT AND STRIKING SUBSECTION (B) OF SAID SECTION 5.20.100 TO MAINTAIN CONSISTENCY WITH CHAPTER 5.20 AS AMENDED; AND ADDING A NEW SECTION NUMBERED 5.20.140 TO ESTABLISH A SEVERABILITY SECTION FOR CHAPTER 5.20 - CLERK read an ordinance, introduced by John Spatz, amending Chapter 5.20 of the Lincoln Municipal Code relating to Dances by amending Section 5.20.010 to lower the age in the definition of "minor" from nineteen years of age to eighteen years of age; amending Section 5.20.100 to require the parent or legal guardian accompanying a minor to a public dance to remain on the premises designated in the public dance permit at all times said

minor is present and striking subsection (b) of said Section 5.20.100 to maintain consistency with Chapter 5.20 as amended; adding a new section numbered 5.20.140 to establish a severability section for Chapter 5.20; and repealing Sections 5.20.010, 5.20.040, and 5.20.100 of the Lincoln Municipal Code as hitherto existing, the second time.

#### PUBLIC HEARING - RESOLUTIONS

DESIGNATING A RECOVERY ZONE PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85768

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

Section 1. Findings and Determinations.

(a) The City of Lincoln, Nebraska (the "City") has received an initial allocation of the national Recovery Zone Economic Development Bonds limitation in the amount of \$17,504,000 and an initial allocation of the national Recovery Zone Facility Bonds limitation in the amount of \$26,256,000 pursuant to the American Recovery and Reinvestment Tax Act of 2009, codified in Title 26 of the United States Code and Internal Revenue Service, Notice 2009-50, issued on June 12, 2009 (together with any allocations received from the State of Nebraska subsequent to the adoption of this resolution, the "Allocations").

(b) The City understands that the Allocations are to be used for the issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds pursuant to Section 1400U-2 or 1400U-3, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"), such bonds referred to collectively as "Recovery Zone Bonds."

(c) The City understands that Recovery Zone Bonds are to be issued with respect to or to finance certain expenditures located in or attributable to an area within the jurisdiction of the City that the City determines has a significant level of one or more of the following factors: poverty, unemployment, home foreclosures, or general distress (such factors referred to herein as the "Distress Factors").

(d) The City has determined that the Distress Factors have been caused by one or more of the "Underlying Conditions of Distress" described in Section 2 hereof.

(e) The City desires to designate the area described in Section 4 as a "Recovery Zone" to provide for the possible issuance of Recovery Zone Bonds (such area being referred to herein as the "Recovery Zone").

Section 2. Underlying Conditions of Distress. The Mayor and Council of the City (the "Governing Body") hereby finds and determines that the Recovery Zone identified in Section 4 suffers from one or more of the following conditions (each an "Underlying Condition of Distress"):

(a) a significant increase in unemployment during 2008 and 2009;

(b) a decrease in sales tax revenue during 2008 and 2009; and

(c) a decrease in overall retail sales during 2008 and 2009.

Section 3. Distress Factors. The Governing Body hereby finds and determines that, as a result of the Underlying Condition(s) of Distress, the Recovery Zone has experienced a significant level of one or more of the Distress Factors (i.e. poverty, unemployment, home foreclosures, or general distress):

Section 4. Designation of Recovery Zone. Based upon the findings and determinations of the Underlying Condition(s) of Distress and the resulting Distress Factors, the Governing Body hereby designates all of the area within the corporate limits of the City as the "Recovery Zone" for the City.

Section 5. Further Action. The appropriate staff and officers of the City are authorized and directed: to take all necessary steps to identify appropriate projects for which the issuance of bonds will further the goals established for Recovery Zone Bonds in order to cure the Distress Factors within the Recovery Zone; to identify other economic development incentives and programs which may be available under Federal or Nebraska laws for such projects which will further the goals established for Recovery Zone Bonds; and to work with the Nebraska Department of Economic Development to plan for the issuance of Recovery Zone Bonds for identified projects.

Section 6. This resolution shall take effect and be in force from and after its passage according to law.

Introduced by John Spatz

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

APPROVING A TWO-YEAR ADVERTISING AGREEMENT BETWEEN THE CITY AND CORNHUSKER BANK FOR A TWO-YEAR TERM FOR ADVERTISING RIGHTS ON THE ELECTRONIC MESSAGE SYSTEMS AT PERSHING MUNICIPAL AUDITORIUM AT 15TH AND N STREETS - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85769 WHEREAS, the City of Lincoln owns and operates Pershing Municipal Auditorium located at 226 Centennial Mall South in Lincoln, Nebraska; and  
WHEREAS, two exterior animated programmable electronic message systems, and one interior animated programmable electronic message system are located at said auditorium; and

WHEREAS, Cornhusker Bank, 11th and Cornhusker Highway, Lincoln, NE 68521, wishes to acquire the right to display advertisements on said message systems and the City is willing to grant certain advertising rights to Cornhusker Bank.

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

That the Advertising Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, by and between the City of Lincoln dba Pershing Municipal Auditorium and Cornhusker Bank, under which Cornhusker Bank is granted certain interior and exterior advertising rights at Pershing Municipal Auditorium for a two-year period upon the terms and conditions as set forth in said Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed copy of said Advertising Agreement to Thomas Lorenz, Manager of Pershing Municipal Auditorium, and one fully executed copy to Cornhusker Bank, Attn: Barry Lockard, 11th and Cornhusker Highway, Lincoln, NE 68521.

Introduced by John Spatz

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

APPROVING THE CITY OF LINCOLN CONTRACT AGREEMENT BETWEEN THE CITY AND HARTLAND CLEANING SERVICES & ASSOCIATES FOR BUS SHELTER CLEANING FOR A FOUR-YEAR TERM EXPIRING NOVEMBER 30, 2013 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85770 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract Agreement between the City of Lincoln and Hartland Cleaning Services & Associates for Bus Shelter Cleaning, pursuant to Bid No. 09-263, for a four year period of December 1, 2009 through November 30, 2013, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by John Spatz

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

APPROVING THE CITY OF LINCOLN CONTRACT AGREEMENT BETWEEN THE CITY AND MAX I. WALKER UNIFORM RENTAL FOR LINCOLN WATER SYSTEM UNIFORM RENTAL SERVICE FOR A FOUR-YEAR TERM EXPIRING MARCH 8, 2014 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85771 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract Agreement between the City of Lincoln and Max I. Walker Uniform Rental for Lincoln Water System Uniform Rental Service, pursuant to Quote 2872, for a four year period, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by John Spatz

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

**ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)**

CHANGE OF ZONE 09022A - AMENDING SECTION 1 OF ORDINANCE NO. 19312 WHICH DESIGNATED THE SOUTH HALF OF LOT 29, J.G. MILLER'S SUBDIVISION, AS A SPECIAL SIGN DISTRICT TO ADJUST THE SIGN REGULATIONS FOR THE UNDERLYING H-2 DISTRICT, TO ALLOW AN ADDITIONAL FREESTANDING SIGN TO BE LOCATED ON THE WESTERNMOST PROPERTY IN THE SPECIAL SIGN DISTRICT AND TO CLARIFY THAT ONE FREESTANDING SIGN MAY BE LOCATED ON ANY FUTURE PAD SITE, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 48TH AND O STREETS - CLERK read an ordinance, introduced by Jon Camp, amending the 48<sup>th</sup> & O Streets Special Sign District on property generally located northeast of the intersection of South 48<sup>th</sup> and O Streets and legally described as the south half of Lot 29, J.G. Miller's Subdivision, Lincoln, Lancaster County,

Nebraska, originally adopted by Ordinance No. 19312 passed by the City Council on October 5, 2009, to allow an additional freestanding sign to be located on the westernmost property in the special sign district and to clarify that one freestanding sign may be allocated to and located in the front yard on any future pad site, the first time.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY FOR THE 98<sup>TH</sup> STREET ROADWAY RECONSTRUCTION FROM YANKEE HILL ROAD TO PINE LAKE ROAD AND THE ESTABLISHMENT OF MAINTENANCE RESPONSIBILITIES. (RELATED ITEMS: 10R-73, 10R-74, 10-27) (ACTION DATE: 3/22/10)

APPROVING AMENDMENT NO. 1 TO THE CONDITIONAL ANNEXATION AND ZONING AGREEMENT FOR S. 84<sup>TH</sup> AND HIGHWAY 2 BETWEEN THE CITY AND ANDERMATT, LLC AND EIGER CORP., RELATING TO THE ANNEXATION OF APPROXIMATELY 4.18 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND ANDERMATT DRIVE. (RELATED ITEMS: 10R-73, 10R-74, 10-27) (ACTION DATE: 3/22/10)

ANNEXATION NO. 08026 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.18 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 98TH STREET AND ANDERMATT DRIVE. (RELATED ITEMS: 10R-73, 10R-74, 10-27) (ACTION DATE: 3/22/10) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

### ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2009 AND DECEMBER 2009 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jayne Snyder, adopting the supplements to the Lincoln Municipal Code dated June 2009 and December 2009 as part of the official Lincoln Municipal Code, the third time.

SNYDER 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 **#19350**, is recorded in Ordinance Book #26, Page

AMENDING CHAPTER 16.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO TERMINATION OF DOMESTIC UTILITY SERVICES BY AMENDING SECTION 16.04.050, NOTICE OF TERMINATION, TO PROVIDE THAT SUCH NOTICE NEED ONLY BE CONSPICUOUSLY POSTED AT THE FRONT ENTRANCE TO THE PREMISES, AND, IN THE CASE OF A MASTER-METERED APARTMENT BUILDING, TO PROVIDE THAT SUCH NOTICE NEED ONLY BE POSTED ON OR NEAR THE MAIN ENTRANCE TO EACH UNIT - CLERK read an ordinance, introduced by Jayne Snyder, amending Chapter 16.04 of the Lincoln Municipal Code relating to Termination of Domestic Utility Services by amending Section 16.04.050, Notice of Termination, to provide that such notice need only be conspicuously posted at the front entrance to the premises, and, in the case of a master-metered apartment building, to provide that such notice need only be posted on or near the main entrance to each unit; and repealing Section 16.04.050 of the Lincoln Municipal Code as hitherto existing, the third time.

SNYDER 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 **#19351**, is recorded in Ordinance Book #26, Page

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND DAS/STATE BUILDING DIVISION ON BEHALF OF NEBRASKA DEPARTMENT OF EDUCATION, VOCATIONAL REHABILITATION SERVICES, AT THE ONE STOP CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TWO-YEAR TERM FROM JANUARY 1, 2010 THROUGH DECEMBER 31, 2011 - CLERK read an ordinance, introduced by Jayne Snyder, accepting and approving a Sublease Agreement between the City of Lincoln and DAS/State Building division on behalf of Nebraska Department of Education, Vocational Rehabilitation Services, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2010

through December 31, 2011 whereby the City of Lincoln is subleasing a portion of its 13,718 sq. ft. of space to the Nebraska Department of Education, vocational Rehabilitation Services at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

SNYDER 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 #19352, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 10001 HP - APPLICATION OF KAROLYN HOWARD TO DESIGNATE THE TUTTLE SCHAUPP HOUSE LOCATED AT 3008 O STREET AS A HISTORIC LANDMARK. (RELATED ITEMS: 10-17, 10R-63) - CLERK read an ordinance, introduced by Jayne Snyder, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time.

SNYDER 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 #19353, is recorded in Ordinance Book #26, Page

SPECIAL PERMIT 10001 - HISTORIC PRESERVATION APPLICATION OF KAROLYN HOWARD TO ADJUST THE PARKING AND YARD REQUIREMENTS FOR THE TUTTLE-SCHAUPP HOUSE GENERALLY LOCATED AT 3008 O STREET. (RELATED ITEMS: 10-17, 10R-63) (ACTION DATE: 3/8/2010) - CLERK read the following resolution, introduced by Jayne Snyder, who moved its adoption:

A-85772 WHEREAS, Karolyn Howard has submitted an application designated as Special Permit No. 10001 to allow the preservation of an historic structure by adjusting the parking and yard requirements for commercial use of the Tuttle-Schaupp House on property located at 3008 O Street, and legally described as: Lots 7 and 8, except 25.7 square feet for street, Block 5, Tuttle Subdivision, Lincoln, Lancaster County, Nebraska;  
WHEREAS, the real property adjacent to the area included within the site plan for this use of an historic landmark and adjustment of the parking and yard requirements will not be adversely affected; and  
WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Karolyn Howard, hereinafter referred to as "Permittee", to allow the preservation of an historic structure by adjusting the required parking from 11 or 12 stalls to 8 stalls and adjusting yard requirements to allow commercial use of an existing garage in the required rear and side yards, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.400 of the Lincoln Municipal Code upon condition that construction and operation of said use of an historic building be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the development of the site based on the submitted site plan in terms of parking, circulation, sign location, and use of the existing garage.
2. Any modifications to the building exteriors or to the proposed site plan must be submitted and approved for a Certificate of Appropriateness by the Preservation Commission.
3. The City Council must approve the associated request for Change of Zone 10001HP designating the Tuttle-Schaupp House as a landmark.
4. Uses of the site permitted under this approval are office buildings, mail order catalog sales, and stores or shops for the sales of goods at retail (not including vehicles) as ordinarily permitted in the B-1 Local Business District.
5. Other uses permitted in the B-1 Local Business District may be allowed by administrative amendment to this permit.
6. Before occupying the improvement all development and construction shall substantially comply with the approved plans.
7. All privately-owned improvements shall be permanently maintained by the Permittee.
8. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

9. The terms, conditions, and requirements of this resolution shall run with the land and be binding and obligatory upon the Permittee and the Permittee's successors and assigns.

10. The Permittee shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

Introduced by Jayne Snyder

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

CHANGE OF ZONE 10002 - AMENDING SECTION 27.63.110 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS FOR GARDEN CENTERS TO CLARIFY THAT GARDEN CENTERS ARE A PERMITTED SPECIAL USE IN THE R-2 ZONING DISTRICT, TO INCLUDE THE B-2, H-1, H-4, I-2 AND I-3 DISTRICTS TO THE LIST OF DISTRICTS THE LAND FOR THE GARDEN CENTER MUST BE ADJACENT TO; TO CLARIFY THAT THE 100-FOOT SETBACK FOR BUILDINGS AND PARKING LOTS FROM ALL EXTERIOR LOT LINES IS LIMITED TO THE AG AND AGR DISTRICTS; AND TO CORRECT THE DISTRICTS LISTED IN SUBSECTION (E) TO CORRECTLY REFLECT THE TITLE OF SECTION 7.5 IN CHAPTER 3.50 OF THE CITY'S DESIGN STANDARDS FOR ZONING REGULATIONS - CLERK read an ordinance, introduced by Jayne Snyder, amending Section 27.63.110 of the Lincoln Municipal Code relating to Special Permits for Garden Centers to clarify that garden centers are a permitted special use in the R-2 zoning district, to include the B-2, H-1, H-4, I-2 and I-3 districts to the list of districts the land for the garden center must be adjacent to; to clarify that the 100-foot setback for buildings and parking lots from all exterior lot lines is limited to the AG and AGR districts; to correct the districts listed in subsection (e) to correctly reflect the title of Section 7.5 in Chapter 3.50 of the City's Design Standards for Zoning Regulations; and repealing Section 27.63.110 of the Lincoln Municipal Code as hitherto existing, the third time.

SNYDER 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 **#19354**, is recorded in Ordinance Book #26, Page

APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF LINCOLN, THE LINCOLN PARKS FOUNDATION AND THE UNF CHARITABLE GIFT FUND TO ACCEPT A \$1.5 MILLION DONATION FOR THE CONSTRUCTION AND ENDOWMENT OF UNION PLAZA, TO NAME THE PARK AS "UNION PLAZA", AND TO NAME THE FOUNTAIN AS THE "DEAN AND PAT MUHLEISEN MEMORIAL FOUNTAIN", ON PROPERTY GENERALLY LOCATED AT NORTH 21ST STREET AND P STREET - CLERK read an ordinance, introduced by Jayne Snyder, that the attached Grant Agreement between the UNF Charitable Gift Fund, the Lincoln Parks Foundation, and the City of Lincoln on behalf of the Parks and Recreation Department for the Distribution of \$1,500,000.00 for construction and endowment of a public park located on the east side of the University of Nebraska-Lincoln City Campus, upon the terms and conditions as set forth in said Agreement on behalf of the City, the third time.

SNYDER 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 **#19355**, 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 WEEKLY TO 3/08/2010) - PRIOR to reading:

SNYDER Moved to delay action of Bill No. 09-132 one week to 3/15/2010.

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**

Richard Esquivel, 733 W. Cuming St., came forward to comment on the arena project. He perceived unfairness regarding the City's overall risk and its limited scheduled events vs. the University's control of a greater number of scheduled events. He presented financial figures that gave him great concern and made him question if the arena is really needed.

This matter was taken under advisement.

Dexter Schrodt, 200 W. Irving St., came forward to question the City of Lincoln's status regarding the Google Network and the use of LES's fiber network which has already been laid.

Council Member Camp said there is a large effort going forward with ongoing meetings and data has been submitted to the Mayor's office. He said while there is stiff competition nationally, he hopes Lincoln will be included in the prospective location of Google and that other vendor opportunities will arise.

Council Member Cook responded that it is a City-wide collaborative effort including many different institutions to provide Google with a sensible business package rather than attracting them by a flashy display without substance. Mr. Cook further reported that by playing the lead role, the City will provide municipal feedback and he encouraged individual citizens to provide support with online responses as well.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to March 15, 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 March 15, 2010.  
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

**ADJOURNMENT 4:16 P.M.**

CAMP Moved to adjourn the City Council meeting of March 8, 2010.  
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant