

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, APRIL 9, 2012 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Carroll; Council Members: Camp, Cook, Emery, Hornung, Schimek; City Clerk, Joan E. Ross; Absent: Eskridge.

Council Chair Carroll 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

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of April 2, 2012 reported having done so, found same correct.

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

RECOGNITION

Council Chair Carroll welcomed Devin Sorensen who was in attendance at the City Council Meeting working on his citizenship badge.

PUBLIC HEARING

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 5, 2012 THROUGH OCTOBER 13, 2012 AND ON 8TH STREET FROM P TO Q STREETS FROM JUNE 2, 2012 THROUGH AUGUST 25, 2012 AND ALSO SEPTEMBER 8, 2012 - David Landis, Director of Urban Development, came forward to state that this is a contract the City has executed 24 years in a row. The contract is with the Lincoln Haymarket Development Corporation and includes the obligations of both parties pertaining to bonding requirements and insurance. He requested that the contract be approved as it appears before Council.

Linda Hubka, Market Manager for the Haymarket Farmer's Market, came forward to address concerns of Council Member Doug Emery regarding limited street access for postal vehicles on Saturdays due to current and upcoming construction projects in the area. The Saturday market is operating under the same guidelines as in the past. The Tool House has an upcoming construction project that will require equipment to be staged on 8th Street, but she has been assured this will not block the entire street. Vendors are located to the south of the pedestrian walkway and do not block street traffic, but they can be pushed back if necessary. In response to Council Member Jon Camp, Ms. Hubka replied that the dates that the Saturday market will utilize 8th Street have been expanded to allow flexibility for high vendor count, construction, and the relocation of a locomotive in Iron Horse Park.

This matter was taken under advisement.

CHANGE OF ZONE 12002 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY ADDING A NEW SECTION NUMBERED 27.03.417 TO PROVIDE THE DEFINITION OF "MARKET GARDEN"; AMENDING SECTIONS 27.07.040 AND 27.09.040 TO ADD MARKET GARDENS AS A PERMITTED SPECIAL USE IN THE AG AND AGR ZONING DISTRICTS, RESPECTIVELY; AMENDING SECTION 27.63.680 TO ADD MARKET GARDENS AS AN EXCEPTION TO A LICENSED PREMISES 100-FOOT SPACING REQUIREMENT FROM A RESIDENTIAL DISTRICT; ADDING A NEW SECTION NUMBERED 27.63.820 TO PROVIDE CONDITIONS FOR APPROVAL FOR MARKET GARDENS AS A PERMITTED SPECIAL USE AND TO ALLOW CERTAIN ACCESSORY USES TO MARKET GARDENS, INCLUDING THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES; AND AMENDING SECTION 27.67.040 TO PROVIDE PARKING REQUIREMENTS FOR FARM WINERIES AND MARKET GARDENS - Marvin Krout, Director of Planning, came forward to state that this idea was brought to the Planning Department by a couple who reside on 40 acres in a very rural part of the county about 5 miles north of Lincoln and Waverly. The couple expressed interest in establishing a specialty restaurant called Prairie Plate, which will focus on locally produced food, including food grown on their own land. Other than special permits relating to the use of land for agricultural purposes, such as for farm/wineries, the County did not have a good way of handling a request like this. There were concerns about zoning practices and legal challenges in creating an area of zoning in a predominately agricultural area. Therefore, the County worked with the couple to create an amendment to the County Zoning Code, and to apply for a special permit. Both of these were approved by the County with the recommendation of the Planning Commission. It is to be expected that the City will encounter similar requests for zoning, not just for restaurants, but also for training or tourism oriented uses relating to local agriculture. This amendment to the City Zoning Code will prepare the City to allow for similar provisions for its AG and AGR districts. Requests would still be

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reviewed on a case by case basis to ensure there are good buffers, traffic control, that scale is appropriate to the surrounding area, and that there is an opportunity for nearby property owners to weigh in on proposals. In response to Council questions, Mr. Krout replied that notification goes out a quarter-mile within the jurisdiction of the City, and one mile within the jurisdiction of the County.

This matter was taken under advisement.

AN ORDINANCE ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2011 AND DECEMBER 2011 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - Rod Confer, City Attorney, came forward to state that this ordinance is an annual formality asking Council to approve the ordinances that have been designated for inclusion in the Lincoln Municipal Code during the past year by supplements in June and December.

This matter was taken under advisement.

AUTHORIZING AND SUPPORTING THE APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO ASSIST WITH FUNDING THE CONSTRUCTION OF THE STONEBRIDGE TRAIL CONNECTING THE NORTH 14TH STREET TRAIL AT 14TH AND HUMPHREY WITH THE ALVO ROAD TRAIL AT 13TH AND ALVO ROAD - Terry Genrich, Parks and Recreation, came forward to answer questions and to request Council's approval for this agreement so the project can move forward.

This matter was taken under advisement.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$36,715.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 35) - Kit Boesch, Human Services Administrator, Keno Human Services Prevention Fund, came forward to answer Council questions.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

SETTING THE BOARD OF EQUALIZATION HEARING DATE OF MONDAY, APRIL 30, 2012, AT 5:30 P.M. ON THE NORTH 27TH STREET MAINTENANCE IMPROVEMENT DISTRICT, THE UNIVERSITY PLACE MAINTENANCE IMPROVEMENT DISTRICT AND THE SOUTH STREET MAINTENANCE IMPROVEMENT DISTRICT - This item was approved by City Council, 6-0.

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE FISCAL YEAR 2011-2012 - CLERK read the following resolution, introduced by Jonathan Cook, who moved for its adoption:

A-86751 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Jonathan Cook

Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 26, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, APRIL 23, 2012 AT 3:00 P.M. FOR THE APPLICATION OF TOP SHELF BEVERAGE SERVICES LLC DBA TOP SHELF BEVERAGE SERVICES FOR A CLASS CK LIQUOR LICENSE LOCATED AT 1038 O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved for its adoption:

A-86752 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 23, 2012, 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 Top Shelf Beverage Services LLC dba Top Shelf Beverage Services Class CK liquor license located at 1038 O Street.

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

Introduced by Jonathan Cook

Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

SETTING THE HEARING DATE OF MONDAY, APRIL 23, 2012 AT 3:00 P.M. FOR THE APPLICATION OF NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY 473 FOR A CLASS C LIQUOR LICENSE LOCATED AT 1550 SOUTH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved for its adoption:

A-86753 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 23, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building

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555 S. 10th St., Lincoln, NE for the application of Nebraska CVS Pharmacy LLC dba CVS/Pharmacy 473 Class C liquor license located at 1550 South Street.

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

Introduced by Jonathan Cook

Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

SETTING THE HEARING DATE OF MONDAY, APRIL 23, 2012 AT 3:00 P.M. FOR THE APPLICATION OF MYKHANH RESTAURANTS DBA PHO FACTORY FOR A CLASS I LIQUOR LICENSE LOCATED AT 940 NORTH 26TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved for its adoption:

A-86754 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 23, 2012, 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 Mykhanh Restaurants dba Pho Factory Class I liquor license located at 940 North 26th Street.

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

Introduced by Jonathan Cook

Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 12004 - requested by the Director of Planning, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Figure 27.35.070(a) within Section 27.35.070 to reflect the revised height limits in the B-4 Lincoln Center Business District; adding a new section numbered 27.59.015 titled Scope of Regulations to clarify that airport zoning regulations are applicable in all underlying zoning districts and apply to both public and private entities; amending Section 27.59.040 relating to airport zoning height restrictions to replace the metes and bounds description with a reference to the Airport Zoning Map; amending Section 27.69.035 and Table 1, Off Premises Signs, within Section 27.69.040 to prohibit the location of off premises signs in the Haymarket and Downtown areas of the B-4 Lincoln Center Business District west of 9th Street; repealing Sections 27.35.070, 27.59.040, and 27.69.035 and Table 1 within Section 27.69.040 (Off-Premises Signs) of the Lincoln Municipal Code as hitherto existing; amending the Lincoln Airport Zoning Map dated February 25, 2002 to be consistent with Figure 27.35.070(a); and amending the Lincoln Capitol Environs District Height Regulation Map to reflect a 57-foot height requirement west of the Capitol.

Change of Zone No. 12005 - requested by Baylor, Evnen, Curtiss, Gemit & Witt, LLP, from AG Agricultural District and R-2 Residential District to H-3 Highway Commercial District, on property legally described as Lot 65 SE, located in the SE 1/4 of Section 23-9-7, Lancaster County, Nebraska, generally located at Highway 2 and First Street, Cheney, Nebraska.

Special Permit No. 12009 - requested by Capitol City Christian Church, for seasonal sales, on property legally described as Lot 1, Block 1, Northern Lights 7th Addition, located in the SE 1/4 of Section 15-10-7, Lancaster County, Nebraska, generally located at N. 80th Street and Holdrege Street (7800 Holdrege Street). The Planning Commission action is final action, unless appealed to the City Council.

Special Permit No. 12010 - requested by Martha Anne Cech, Cech Addition Community Unit Plan, for two lots, with a request to waive setbacks and minimum lot depth, on property legally described as Lot 2, Lang's Subdivision and Lot 1, Anncech Addition, located in the SW 1/4 of Section 5-9-7, Lancaster County, Nebraska, generally located at S. 40th Street and Pioneers Boulevard. The Planning Commission action is final action, unless appealed to the City Council.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

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

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 5, 2012 THROUGH OCTOBER 13, 2012 AND ON 8TH STREET FROM P TO Q STREETS FROM JUNE 2, 2012 THROUGH AUGUST 25, 2012 AND ALSO SEPTEMBER 8, 2012 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets and P Street from 7th to 8th Streets, from May 5 2012 through October 13, 2012, and on 8th Street from P to Q Street from June 2, 2012 through August 25, 2012, and September 8, 2012, and authorizing the Mayor to sign such Contract on behalf of the City, the second time.

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CHANGE OF ZONE 12002 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY ADDING A NEW SECTION NUMBERED 27.03.417 TO PROVIDE THE DEFINITION OF "MARKET GARDEN"; AMENDING SECTIONS 27.07.040 AND 27.09.040 TO ADD MARKET GARDENS AS A PERMITTED SPECIAL USE IN THE AG AND AGR ZONING DISTRICTS, RESPECTIVELY; AMENDING SECTION 27.63.680 TO ADD MARKET GARDENS AS AN EXCEPTION TO A LICENSED PREMISES 100-FOOT SPACING REQUIREMENT FROM A RESIDENTIAL DISTRICT; ADDING A NEW SECTION NUMBERED 27.63.820 TO PROVIDE CONDITIONS FOR APPROVAL FOR MARKET GARDENS AS A PERMITTED SPECIAL USE AND TO ALLOW CERTAIN ACCESSORY USES TO MARKET GARDENS, INCLUDING THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES; AND AMENDING SECTION 27.67.040 TO PROVIDE PARKING REQUIREMENTS FOR FARM WINERIES AND MARKET GARDENS - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by adding a new section numbered 27.03.417 to provide the definition of "market garden"; amending Sections 27.07.040 and 27.09.040 to add market gardens as a permitted special use in the AG and AGR zoning districts, respectively; amending Section 27.63.680 to add market gardens as an exception to a licensed premises 100-foot spacing requirement from a residential district; adding a new section numbered 27.63.820 to provide conditions for approval for market gardens as a permitted special use and to allow certain accessory uses to market gardens, including the sale of alcoholic beverages for consumption on the premises; amending Section 27.67.040 to provide parking requirements for farm wineries and market gardens; and repealing Sections 27.07.040, 27.09.040, 27.63.680 and 27.67.040 of the Lincoln Municipal Code as hitherto existing, the second time.

AN ORDINANCE ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2011 AND DECEMBER 2011 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jon Camp, adopting the supplements to the Lincoln Municipal Code dated June 2011 and December 2011 as part of the official Lincoln Municipal Code, the second time.

PUBLIC HEARING - RESOLUTIONS

AUTHORIZING AND SUPPORTING THE APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO ASSIST WITH FUNDING THE CONSTRUCTION OF THE STONEBRIDGE TRAIL CONNECTING THE NORTH 14TH STREET TRAIL AT 14TH AND HUMPHREY WITH THE ALVO ROAD TRAIL AT 13TH AND ALVO ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption:
A-86755 WHEREAS, the City of Lincoln through its Parks and Recreation Department is proposing a transportation project through the State of Nebraska Department of Roads for financial assistance from Federal Funds in the Transportation Enhancement Program for the purpose of constructing a portion of the Stonebridge Trail; and

WHEREAS, the project includes construction of a trail connecting the North 14th Street Trail at 14th and Humphrey through the Stonebridge neighborhood and then west along Alvo Road to the Alvo Road Trail at 13th and Alvo Road with a total estimated cost of the project of \$702,809, with 80% (\$562,247) coming from the Transportation Enhancement Program grant and 20% (\$140,562) from Impact Fees of the City; and

WHEREAS, the City of Lincoln understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal aid project.

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

1. That the attached Agreement between the City of Lincoln and the Nebraska Department of Roads is hereby accepted and approved and the Mayor is hereby authorized to execute the Agreement on behalf of the City.

2. That the City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the project described above and known as the Stonebridge Trail and its commitment to the on-going maintenance of the trail.

3. That the City is committed to providing local funds for the project as required by the Project Program Agreement, NDOR Project No. ENH-55(177), Control No. 13213, Lincoln Stonebridge Trail.

4. The City Clerk is directed to transmit a certified copy of this resolution to the Parks and Recreation Department for inclusion with the application to the State of Nebraska Department of Roads.

Introduced by Jon Camp

Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$36,715.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 35) - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption:

A-86756 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$36,715.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 35) attached hereto and incorporated herein by reference.

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

The designation of the \$36,715.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with the respective agencies providing said human services.

Introduced by Jon Camp

Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

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

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF WATER REVENUE REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$13,000,000 TO REFUND OUTSTANDING WATER REVENUE BONDS OF THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by DiAnna Schimek, Fourth Series Ordinance adopted under and pursuant to Ordinance No. 18088 authorizing the issuance of Water Revenue Refunding Bonds, Series 2012, of the City of Lincoln, Nebraska in a principal amount not to exceed thirteen million dollars (\$13,000,000); fixing in part and providing for the fixing in part of the details of the Bonds; providing for the sale of the Bonds and the application of the proceeds thereof; authorizing the execution and delivery of certain documents and taking other action in connection with the foregoing; and related matters, the third time.

SCHIMEK Moved to pass the ordinance as read.

Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

The ordinance, being numbered **#19696**, is recorded in Ordinance Book 27, Page .

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF SANITARY SEWER REVENUE REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$44,000,000 TO REFUND OUTSTANDING SANITARY SEWER REVENUE BONDS OF THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by DiAnna Schimek, Fourth Series Ordinance adopted under and pursuant to Ordinance No. 18171 authorizing the issuance of Sanitary Sewer Revenue Refunding Bonds, Series 2012, of the City of Lincoln, Nebraska in a principal amount not to exceed forty-four million dollars (\$44,000,000); fixing in part and providing for the fixing in part of the details of the Bonds; providing for the sale of the Bonds and the application of the proceeds thereof; authorizing the execution and delivery of certain documents and taking other action in connection with the foregoing; and related matters, the third time.

SCHIMEK Moved to pass the ordinance as read.

Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

The ordinance, being numbered **#19697**, is recorded in Ordinance Book 27, Page .

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATIONS OF "FIREFIGHTER PARAMEDIC," "FIREFIGHTER" AND "FIRE APPARATUS OPERATION" - CLERK read an ordinance, introduced by DiAnna Schimek, amending Section 1 of Ordinance No. 18970 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 "F," by creating the job classifications of "Firefighter Paramedic (2080 Hours)," "Firefighter (2080 Hours)," and "Fire Apparatus Operator (2080 Hours)," the third time.

SCHIMEK Moved to pass the ordinance as read.

Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

The ordinance, being numbered **#19698**, is recorded in Ordinance Book 27, Page .

APPROVING AMENDMENT NO. 3 TO THE WOODLANDS AT YANKEE HILL CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN LEWIS-STAROSTKA, INC., 3AP-SE, LLC, MIDWEST NET LEASE INVESTORS-SE, LLC, CALRUBY, LLC, AND THE CITY OF LINCOLN, NEBRASKA TO DEFER THE TIMING OF CONSTRUCTION OF THE YANKEE HILL ROAD ARTERIAL STREET IMPACT FEE FACILITY IMPROVEMENTS ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD FROM DECEMBER 31, 2012 TO DECEMBER 31, 2014 (RELATED ITEMS: 12R-54, 12-28, 12-29) (ACTION DATE: 4/9/12) - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86757 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Amendment No. 3 to The Woodlands at Yankee Hill Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between 3AP-SE, LLC,

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Midwest Net Lease Investors-SE, LLC, R.C. Krueger Development Company, Double D Land Company, LLC and Calruby, LLC, collectively as Owner, and the City of Lincoln, Nebraska, to defer the completion of certain Yankee Hill Road improvements from December 31, 2012 to December 31, 2014 relating to the annexation of property generally located southeast of the intersection of South 70th Street and Yankee Hill Road, is approved and the Mayor is authorized to execute the Amendment No. 3 to The Woodlands at Yankee Hill Conditional Annexation and Zoning 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 Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by DiAnna Schimek

Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

ANNEXATION NO. 11005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 36 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 70TH STREET AND YANKEE HILL ROAD (RELATED ITEMS: 12R-54, 12-28, 12-29) (ACTION DATE: 4/9/12) - CLERK read an ordinance, introduced by DiAnna Schimek, 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 third time.

SCHIMEK Moved to pass the ordinance as read.

Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

The ordinance, being numbered **#19699**, is recorded in Ordinance Book 27, Page .

CHANGE OF ZONE 05068B - APPLICATION OF R.C. KRUEGER DEVELOPMENT TO AMEND THE WOODLANDS AT YANKEE HILL PLANNED UNIT DEVELOPMENT TO ADD APPROXIMATELY 36 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 70TH STREET AND YANKEE HILL ROAD AND APPROVE A CHANGE OF ZONE OVER SAID 36 ACRES FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT UNDER A PLANNED UNIT DEVELOPMENT DESIGNATION IN ORDER TO ADD APPROXIMATELY 265,000 SQ. FT. OF COMMERCIAL FLOOR AREA UNDER THE PLANNED UNIT DEVELOPMENT (RELATED ITEMS: 12R-54, 12-28, 12-29) (ACTION DATE: 4/9/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

SCHIMEK Moved to pass the ordinance as read.

Seconded by Hornung and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

The ordinance, being numbered **#19700**, is recorded in Ordinance Book 27, Page .

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

AUTHORIZING THE ISSUANCE BY THE CITY OF ITS GENERAL OBLIGATION HIGHWAY ALLOCATION FUND REFUNDING BONDS, SERIES 2012 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$33,000,000 - CLERK read an ordinance, introduced by Jonathan Cook, authorizing the issuance by the City of its general obligation Highway Allocation Fund Refunding Bonds, Series 2012 in an aggregate principal amount not to exceed \$33,000,000; prescribing the form of the bonds; fixing in part and providing for the fixing in part of the terms of the bonds; pledging funds received from the Nebraska Highway Allocation Fund and providing for the levy and collection of an annual tax on all of the taxable property within the City to pay the principal of and interest on such bonds; authorizing certain other documents and actions in connection therewith; and related matters, the first time.

A RESOLUTION FOR THE EARLY REDEMPTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION HIGHWAY ALLOCATION FUND BONDS, SERIES 2004 IN THE AMOUNT OF \$30,155,000.

AMENDING CHAPTER 25.04 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN MECHANICAL CODE, BY ADDING A NEW SECTION NUMBERED 25.04.485 TO ADD A NEW SECTION 1101.11 TO THE INTERNATIONAL MECHANICAL CODE RELATING TO REGISTRATION OF REFRIGERATION CONTRACTORS - Clerk read an ordinance, introduced by Jonathan Cook, amending Chapter 25.04 of the Lincoln Municipal Code, the Lincoln Mechanical Code, by adding a new section numbered 25.04.485 to add a new Section 1101.11 to the International Mechanical Code relating to registration of refrigeration contractors, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE US POSTAL SERVICE AND THE CITY OF LINCOLN FOR PLACEMENT OF ONE OR MORE POSTAL DROP-OFF MAILBOXES IN THE EAST PARKING LOT AT WOODS PARK, GENERALLY AT SOUTH 33RD STREET AND L STREET - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the Lease Agreement between the City of Lincoln, Nebraska on behalf of Lincoln Parks and Recreation Department and the United States Postal Service for the lease of property in the east parking lot at Woods Park, generally located at South 33 and L Street, for placement of postal drop-off mail boxes for a seven year term with options to renew said Lease for two additional five year terms, the first time.

APPROVING A LEASE AGREEMENT BETWEEN HOLMES LAKE PROFESSIONAL CENTER LLC AND THE CITY OF LINCOLN FOR THE USE OF APPROXIMATELY 2,100 SQUARE FEET OF PROPERTY NORTH OF HOLMES LAKE PARK AT SOUTH 70TH STREET AND NORMAL BOULEVARD TO BE USED AS A PARKING LOT FOR A TEN YEAR TERM - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the Holmes Lake Professional Center, LLC and the City of Lincoln for a lease of space at Holmes Lake Park adjoining Holmes Lake Professional Center for use as a paved parking lot with landscape screening, the first time.

AMENDING CHAPTER 5.04 OF THE LINCOLN MUNICIPAL CODE RELATED TO ALCOHOLIC LIQUOR TO REQUIRE A VALID RESPONSIBLE BEVERAGE SERVER PERMIT OR RESPONSIBLE BEVERAGE MANAGEMENT CERTIFICATE FOR ANY PERSON SELLING OR SERVING ALCOHOLIC LIQUOR AT RETAIL AND TO DELETE THE PROHIBITION OF LIQUOR SALES BETWEEN 6:00 A.M. AND NOON ON SUNDAY - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 5.04 of the Lincoln Municipal Code relating to Alcoholic Liquor by amending Section 5.04.010 to declare that the legislative intent in adopting and administering this ordinance is for education and accountability; amending Section 5.04.020 to provide definitions for "health director" and "serve"; amending Section 5.04.035 to rename the certificate currently required for managers and licensees; amending Section 5.04.040 to specify that the required notice and hearing set forth in this section applies only to application for a liquor license; adding a new section numbered 5.04.124 to require after January 31, 2013 a valid Responsible Beverage Server Permits or Responsible Beverage Management Certificates for any person selling or serving alcoholic liquor at retail; adding a new section numbered 5.04.125 to establish the application process, terms and conditions of Responsible Beverage Server Permits; adding a new section numbered 5.04.126 to provide that all permit fees paid pursuant to Section 5.04.125 be deposited in the Responsible Beverage Server/Seller Fund; adding a new section numbered 5.04.127 to provide the process for denial, suspension or revocation of a Responsible Beverage Server Permit; amending Section 5.04.130 to delete the prohibition of liquor sales between 6:00 a.m. and noon on Sunday; adding a new section numbered 5.04.175 to require liquor licensees to maintain an up-to-date list of all individuals who sell or serve alcoholic liquor at retail and to make such a list available to a City of Lincoln police officer or the Health Director upon request; amending Section 5.04.200 to authorize the Health Director to enter the premises of any liquor licensee at any time to examine said premises for compliance with the responsible beverage management provisions in this chapter; amending Section 5.04.210 to replace references to special designated permit with special designated license; amending 5.04.300 to increase the penalty for violations of this chapter from imprisonment in the county jail for a period of three months to a period of six months; adding a new section numbered 5.04.310 to provide for severability of this ordinance; and repealing Sections 5.04.010, 5.04.020, 5.04.035, 5.04.040, 5.04.130, 5.04.200, 5.04.210, and 5.04.300 of the Lincoln Municipal Code as hitherto existing, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 16 - 31, 2012.

AUTHORIZING THE TRANSFER OF APPROPRIATIONS FOR EXPENSES ASSOCIATED WITH UPCOMING LABOR NEGOTIATIONS AND THE PAGE/CIR CASE.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND TSI INCORPORATED FOR PORTACOUNT PRO+ RESPIRATOR FIT TESTERS AND FOR CALIBRATION AND CLEANING, PURSUANT TO BID NO. 12-061, FOR A THREE YEAR TERM.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA LABLINE FOR HEALTH DEPARTMENT LABORATORY TEST SERVICES, PURSUANT TO BID NO. 12-062, FOR A THREE YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE YEAR TERM.

APPROVING THE AMENDMENT TO QUOTE 2969 AGREEMENT FOR CITY RENEWAL BETWEEN THE CITY OF LINCOLN AND NEBRASKA LABLINE TO PROVIDE THE ANNUAL REQUIREMENTS FOR BLOOD CHEMISTRY PROFILES FOR A TWO YEAR TERM FROM MAY 20, 2012 THROUGH MAY 19, 2014.

AUTHORIZING A REQUEST TO THE STATE OF NEBRASKA, BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS, FOR RELAXATION OF THE MINIMUM DESIGN STANDARDS FOR BRIDGE DESIGN LOADING FOR THE NORTH 27TH AND LEIGHTON VIADUCT PROJECT, CITY PROJECT 540023.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL AID BRIDGE REPLACEMENT FUNDS FOR THE FRACTURE CRITICAL BRIDGE INSPECTION OF STRUCTURE NO. U142514300, SALT CREEK ROAD, EAST LEG OF THE BIG X (PROJECT NO. BR-MBOS995).

APPROVING THE APPROPRIATION OF \$700,000 OF KENO FUNDS WITHIN THE PARKS AND RECREATION DEPARTMENT CIP FOR FY 2012-2013 FOR THE NEBRASKA CENTENNIAL MALL RENOVATION PROJECT.

USE PERMIT NO. 82C - APPEAL OF DESIGN DATA CORP. FROM THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE APPLICATION OF BOB BENNIE PROPERTIES LLC FOR AUTHORITY TO ADD MEDICAL OFFICE AS A PERMITTED LAND USE TO AN EXISTING USE PERMIT, ON PROPERTY GENERALLY LOCATED AT SOUTH 14TH STREET AND OLD CHENEY ROAD.

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OPEN MICROPHONE

Jane Svoboda, address not given, came forward to share her thoughts on various issues.

ADJOURNMENT 5:48 P.M.

CAMP Moved to adjourn the City Council meeting of April 9, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Schimek; NAYS: None; ABSENT: Eskridge.

Joan E. Ross, City Clerk

Amy H. Huffman, Senior Office Assistant