

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, APRIL 16, 2012 AT 3:00 P.M.**

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

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

HORNUNG Having been appointed to read the minutes of the City Council proceedings of April 9, 2012 reported having done so, found same correct.

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

MAYOR'S ANNUAL AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to thank Council for allowing the time to honor the monthly and annual award winners. He explained the nomination process and asked that members of the Mayor's Award of Excellence Committee and other 2011 monthly nominees/winners who were present to stand and be recognized.

The 2011 Honorable Mention Award was presented to StarTran Bus Operator Jose Regueira.

Mike Weston, StarTran Operations Superintendent, came forward to accept the award on Mr. Regueira's behalf.

Miki Esposito, Director of Public Works & Utilities, came forward to express appreciation to Mr. Regueira for his sacrifice and courage.

The 2011 Mayor's Annual Award of Excellence was presented to team members Police Sergeant Larry Barksdale, Police Officer Matthew Franken and Fire Investigator Ken Hilger of Building & Safety's Fire Prevention Division.

Chief Peschong, LPD, came forward to accept the award on behalf of Officer Franken. He expressed appreciation for the team's hard work and dedication to bring a \$20 million fire loss investigation in the community to a close in 75 days.

Bill Moody, Fire Prevention Bureau, came forward to congratulate the team.

Sgt. Barksdale came forward to accept his award and thank those that worked behind the scenes to solve the case.

Mr. Hilger came forward to express appreciation for the award.

In addition to the Annual Award, Mayor Beutler presented the Medallion of the City of Lincoln to Barksdale, Hilger and Franken.

PUBLIC HEARING

APPLICATION OF MO CHARA, LLC DBA CLIFF'S LOUNGE FOR A CLASS C LIQUOR LICENSE AT 1323 O STREET;

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA CLIFF'S LOUNGE AT 1323 O STREET;

APPLICATION OF MO CHARA, LLC DBA CLIFF'S MARTINI LOUNGE FOR A CLASS C LIQUOR LICENSE AT 5610 SOUTH 56TH STREET, SUITE 1;

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA CLIFF'S MARTINI LOUNGE AT 5610 SOUTH 56TH STREET, SUITE 1;

APPLICATION OF MO CHARA, LLC DBA THE WATERING HOLE FOR A CLASS C LIQUOR LICENSE AT 1321 O STREET;

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA THE WATERING HOLE AT 1321 O STREET;

APPLICATION OF MO CHARA, LLC DBA THE WATERING HOLE WEST FOR A CLASS C LIQUOR LICENSE AT 1550 S. CODDINGTON AVE., SUITE P;

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA THE WATERING HOLE WEST AT 1550 S. CODDINGTON AVE., SUITE P - Inv. Russ Fosler, LPD, came forward stating that he expected the applicant to be present to answer questions. In response to Council concerns about one individual managing multiple bar locations, Inv. Fosler said he feels comfortable that Mr. McFarland will assign a responsible employee in each bar.

This matter was taken under advisement.

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APPLICATION OF CHAD WINTERS, CHRISTOPHER VORHIES, ROGER TOY AND ROBERT TOY DBA IDEAL GROCERY FOR A CLASS C LIQUOR LICENSE AT 905 SOUTH 27TH STREET - Christopher Vorhies, came forward to take oath and answer questions.

This matter was taken under advisement.

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;

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 - Steve Hubka, Finance Director, came forward to answer questions.

Scott Keene, Ameritas Investment Corp., came forward to speak about the significant savings as a result of advanced refunding of the bonds. He said the average rate on the outstanding bonds is 4.44% and in today's market those bonds can be replaced at a maximum of 2%. Annual savings would be \$170,000 per year or a present value basis of \$1.8 million -- this represents about 6% of the outstanding par bond. Mr. Keene clarified costs associated with the issuance of the Series 2012 Bonds. He said he hopes the new financing will get to market by the third week of May.

Steve Likes, Kutak Rock, LLP, was on hand for questioning.

This matter was taken under advisement.

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 - Fred Hoke, Manager of DSC, came forward to clarify the amendment which was approved by both study committees but was erroneously omitted from the ordinance.

Merl Scott, Building & Safety Department, came forward to state that the task force agreed with language allowing for registration of refrigeration contractors who can then take out a permit to do refrigeration work in Lincoln.

This matter was taken under advisement.

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 - Lynn Johnson, Director of Parks & Recreation, said since consolidation and subsequent closure of the Post Office at 35th & O Street, customers were interested in the placement of drop-off mailboxes in the area. The initial term is for seven years, it has a potential renewal for two additional 5-year terms and has a minimal cost of \$1 per year.

Jocelyn Golden, Asst. City Attorney, came forward to answer questions. She said a provision allows the City to give 30 days written notice to terminate the agreement.

This matter was taken under advisement.

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 - Lynn Johnson, Director of Parks & Recreation, came forward to identify the location under a lease agreement for the initial term of 15 years, providing for three additional 10-year renewals. He explained the method of calculating rent which is paid annually. In response to questions about selling the property, Mr. Johnson said the wet, lowland property is dedicated park land, part of Holmes Lake and is not able to be sold.

Jocelyn Golden, Asst. City Attorney, came forward to answer questions. She said a provision allows the City to give six months written notice to terminate the agreement.

This matter was taken under advisement.

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 - Linda Major, UNL, came forward in favor of the proposed ordinance. She said a percentage of her job responsibilities involve reducing high-risk drinking among college students. She provided a historical context for the ordinance under consideration and summarized research literature related to responsible beverage training. Ms. Major said for as little one movie ticker per year for three years, a seller/server can be credentialed and professionalized

in the hospitality industry and training can be offered, thereby providing the nudge to sell and serve responsibly. Ms. Major said her study looked at Class C liquor licenses primarily located in the downtown entertainment district.

Tonya Peters, Police Legal Advisor, came forward to state that in response to the time change allowing alcohol to be served until 2:00 a.m., the City Council and County Board wanted to take a more proactive step to make sure that those who are selling/serving alcohol in the community are trained and held accountable. Ms. Peters recounted the time line which led to City Staff creating a permitting process and training program as directed.

Council Chair Carroll said that he sent letters to every liquor licence holder in the City of Lincoln in November 2011 followed by a public meeting held in December. He said this informational procedure was followed again in February 2012.

Tom Casady, Public Safety Director, came forward in support. He said over-consumption of alcohol is an issue of public safety in the community and anything that can be done to reduce the likelihood of people drinking to excess helps to reduce that risk. Mr. Casady said it is important to have consistent, uniform training. It helps to set a tone in which men/women who sell/serve alcohol are less likely to make a mistake.

Tom Lorenz, General Manager of Pershing Center, came forward in favor of server/seller training. As a trainer in the Responsible Hospitality Council, he said he works with managers to review laws of Lincoln, watch for signs/symptoms and be proactive. He said the training needs to be pushed down because it is the server/seller who interacts with the customer.

Matt Hecker, Lincoln College Partnership, came forward in support. Because a majority of college students are under the age of 21, alcohol issues are the majority of concerns on campuses. He said in addition to bars, off-sale premises have a stake in finding a solution to the problem. He said those who sell/serve alcohol should adhere to the same standard as those who obtain a food handlers permit to work in food service.

Scott Hatfield, Duffy's Tavern, 1412 O St., came forward in support stating that any business who sells alcohol should have proper training.

Paul Freeman, 7700 Garland, came forward in favor of the proposal. Having experienced the loss of his son due to a drunk driver, he feels that if a life can be saved for \$20, it is worth it.

Fred Zwonecheck, 5001 S. 14th St., Administrator for the Nebraska Office of Highway Safety, came forward in support. He feels that a good, quality training program for those who serve or sell alcohol has been a force to lower the number of drunk driving fatalities since the 1980's.

Matt Stinchfield, 3621 Everett St., came forward in support of expanding the scope in requirements for responsible beverage service. He presented various gray areas about charitable events, online server training and lack of documentation.

Council Chair Carroll clarified that the Health Dept. can waive training requirements for charitable SDL events and permittees are not required to be attached to a licensed facility upon application.

Terry Schwimmer, 3724 NW 57th St., came forward in a neutral position stating he was uninformed as a home-brew club member.

Matt Smith, 6411 Skylark Ln., General Manager of Grandmother's Restaurant & Bar, came forward to state that his business has not had any liquor license violations. He shared that his reason for opposition to the ordinance is that it could create an unfavorable situation for an employee under suspension who is assumed guilty until proven innocent.

Brian Hayes, 811 W. Chadderton, came forward as Store Director of the 48th & O Street Super Saver, stating that his company conducts its own server/seller training. He asked for a delay of action to allow the task force to look into the ordinance further.

Coby Mach, LIBA, 620 N. 48th St., came forward to request a delay of action to allow off-sale retailers to add more input in the process.

Dave McCleary, B & R Stores, 3709 Holmes Park Rd., came forward in favor of training. He said he is a responsible store director who has completed RHC training and passes down the responsible selling of alcohol to store associates. He requested that Class C be excluded from requirements.

Eric Schafer, 6747 Ridge Rd., Lazlo's, came forward in a neutral position. His restaurant believes in education & training. He said that unemployment in Lincoln is at 3.9% and feels that penalties would be a barrier to employees looking to enter the food service industry.

Eric Bahm, 3710 LaSalle St., co-owner of Moran's Liquor, came forward to state his concerns. He said as a member, the task force has only contributed six hours to the process and needs more time to address concerns.

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Jeff Lemon, Russ' Market, 33rd & Highway 2, came forward in opposition because he wants more store control. He said the ordinance needs more study to bring about a solution that everyone can live with.

Scott Schlatter, HyVee Store Director, 70th & Pioneers, came forward in opposition. He said his store is in favor of and pays for employee training. He shared cost figures and annual transactions of liquor purchases.

Kathy Siefken, 5935 S. 56th St., Ste. B, Executive Director of the Nebraska Grocery Industry Assoc., came forward in support of training as the industry is proactive in training their own people. She requested a delay in action until more input can be given. She questioned the figures provided from Cornhusker Place last-drink data. She said as an organization, they have training programs of their own that have worked to reduce problems.

Gene Podolak, 5201 Topaz Ct., came forward as a small business owner in opposition to the ordinance. He said he provides training to his employees. He said it doesn't make sense to present alarming statistics from Cornhusker Place and then increase hours of alcohol sales during the week.

Wayne Boles, 128 N. 13th St., #506, Lazlo's/Fireworks, came forward to present statistics and share that his restaurants have effective management policies in place.

Jim Partington, Executive Director of the Nebraska Restaurant Association, 2600 N. 162nd St., came forward to state that the industry supports training for managers. He requested that the task force involve a broader industry representation and provide an adequate time line for implementation and flexibility to develop a more efficient, effective and less bureaucratic program.

Jim Otto, President of the Nebraska Retail Federation, came forward to state that national retailers have an extensive program to train associates in alcohol sales. He requested broader representation in the task force and more time to form the ordinance.

Council Chair Carroll stated that national programs may not include local laws. He said the purpose of the ordinance is to include the City of Lincoln liquor laws.

Rob Steider, 9610 Glass Ridge Ct., B & R Stores Spirits Director, came forward in support of training but in opposition to permits. As a current member of the task force and the only representative of the grocery industry, he said the process is moving too quickly and there are a number of unresolved/undiscussed issues.

Mark Whitehead, 2433 Woodscrest, came forward stating that U-Stop has their own training program with implemented policies. He said the overall situation needs to deal with the demand side of the equation -- it cannot be done strictly on the supply side.

Morrie Enders, 3010 S. 72nd St., #51, Executive Director of the Lincoln Community Playhouse, came forward to question the special event qualification as it relates to the Lincoln Food & Wine Experience fund raiser.

Michelle Crites, District Manager for Casey's General Stores, came forward to state that her company trains managers every two weeks.

Ms. Peters came forward to answer questions. She said the training program is owned by the State of Nebraska. The Liquor Control Commission paid UNL to develop it and the cost to input Lincoln laws was provided with grant funding. Ms. Peters clarified how stores can certify their training programs. She stated that the ordinance must first be passed and the rules & regulations will follow. In response to Council questions regarding infractions at off-sale locations, Ms. Peters said LPD conducted a compliance check with an underage individual in December. Out of 18 establishments, three off-sale locations sold to minors.

Capt. Joy Citta, LPD, came forward to answer questions about percentages of infractions. She said 25% of individuals checking into detox say they got their last drink at an on-sale, 25% say they got it at an off-sale and the other 50% said their last drink was at a social host.

Ms. Peters presented further statistics in response to Council questions. She said in 2011, there were 30 sales to minors by on-sale locations. There were 27 in an off-sale location. Capt. Citta said it is the enforcement & training together that is effective and Ms. Peters followed up with the fact that certification is the empowerment that servers have requested.

This matter was taken under advisement.

7:40 P.M. TOOK BREAK

7:48 P.M. RECONVENED

AUTHORIZING THE TRANSFER OF APPROPRIATIONS FOR EXPENSES ASSOCIATED WITH UPCOMING LABOR NEGOTIATIONS AND THE PAGE/CIR CASE - Steve Hubka, Finance Director, came forward to answer questions.

This matter was taken under advisement.

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 - Bob Walla, Asst. Purchasing Agent, came forward to answer questions.
This matter was taken under advisement.

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) - Devin Biesecker, Public Works & Utilities, came forward to state that previously, a relaxation was brought in front of Council for a design speed for the 27th Street Viaduct Rehab but later, it was brought to the attention of Public Works that a relaxation was needed for the design loading of the bridge.

Thomas Shafer, Public Works & Utilities, came forward to clarify technical terms relating to relaxation. A request was made to have the relaxation standard return to the old loading method to eliminate upgrading and structural work merely to put the same railing back onto the bridge.

This matter was taken under advisement.

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 - Lynn Johnson, Director of Parks & Recreation, came forward to explain the use of funds for the first phase of the Centennial Mall Project. He said the construction will extend from M Street to P Street. In response to Council questions about the use of Keno funds for this purpose, Mr. Johnson said the intent is to have \$800,000 worth of Keno funds into this part of the City's funding commitment. The City's funding commitment to the project is \$300,000 and \$2.2 million is coming from TIF.

This matter was taken under advisement.

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 - Mark Palmer, Olsson Associates, 1111 Lincoln Mall, came forward to introduce the dentist who is purchasing the property owned by Bob Bennie in the Design Data subdivision. He said the increased five parking stalls are needed for the medical office use and they have agreed to relocate three trees which are impacted by that addition.

Dr. Dustin Bailey was on hand for questioning.

David Barga, attorney for the applicant, 4320 S. 46th St., came forward to answer questions. He said the original use was set up to exclude medical facilities due to traffic and parking concerns which were issues back in 1995. He said those issues have since been addressed. He said the requested use permit changes fit the City Code and Comprehensive Plan.

Bill Morris, 4645 Normal Blvd., Ste. 272, attorney representing Design Data Corp., came forward stating that a restriction against a medical office building is not based strictly on exterior traffic patterns but rather on traffic patterns within the development itself. Mr. Morris said the development was conceived as a technology park and covenants specifically prohibit any use that is not of like kind. He said a medical office would generate excessive traffic on an already deteriorating, privately owned/maintained roadway. Mr. Morris said a change in use would be a form of interference.

Rod Confer, City Attorney, came forward to answer questions. He said only court can interpret the restrictive covenant and determine its enforceability. He advised Council to consider the zoning question only.

Marvin Krout, Director of Planning, came forward to answer questions. He said when a use permit is amended it affects someone else's property nearby. He said the notification process and public hearing process allows City Council to weigh the impact of the proposed change on affected property owners. In response to Council questions, Mr. Krout said the Planning Dept. sees land use changes

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and private restriction changes all the time. He said property owners can come together and make a decision to change restrictions due to market demand or land use changes.

Council Member Camp asked for clarification of the O-3 Zoning District. Mr. Krout responded that Medical Office and General Office are both permitted uses. But, he said, in the Office-3 District, a site plan must be approved by the Planning Commission called a Use Permit. In this particular case, the owner asked for those restrictions on the use to be placed in the record. Following this request, there was a letter of acceptance which the owner accepted as being imposed on himself. Mr. Krout said he did not believe a medical office would generate a significant increase in traffic overall for this development.

Mr. Bargen came forward in rebuttal. He said a City Staff study determined that traffic would increase from 12 trips to 27. Mr. Bargen said his client is a member of the association which helps pay for the upkeep of the roadway. He clarified with Council that there have been no issues that would impact negatively to the general health, welfare and use of the entire neighborhood. In response to Council questions about a delay of one week, Mr. Bargen said he would prefer no delay as the Planning Commission voted 8-0, in approval.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION - NORTH 27TH STREET BUSINESS IMPROVEMENT DISTRICT - Clerk presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION - UNIVERSITY PLACE BUSINESS IMPROVEMENT DISTRICT - Clerk presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION - SOUTH STREET BUSINESS IMPROVEMENT DISTRICT - Clerk presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 2, 2012 - Clerk presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS - NONE

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF MO CHARA, LLC DBA CLIFF'S LOUNGE FOR A CLASS C LIQUOR LICENSE AT 1323 O STREET - PRIOR to reading:

CAMP Moved to Continue Public Hearing in one week to April 23, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA CLIFF'S LOUNGE AT 1323 O STREET - PRIOR to reading:

CAMP Moved to Continue Public Hearing in one week to April 23, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF MO CHARA, LLC DBA CLIFF'S MARTINI LOUNGE FOR A CLASS C LIQUOR LICENSE AT 5610 SOUTH 56TH STREET, SUITE 1 - PRIOR to reading:

CAMP Moved to Continue Public Hearing in one week to April 23, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA CLIFF'S MARTINI LOUNGE AT 5610 SOUTH 56TH STREET, SUITE 1 - PRIOR to reading:

CAMP Moved to Continue Public Hearing in one week to April 23, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF MO CHARA, LLC DBA THE WATERING HOLE FOR A CLASS C LIQUOR LICENSE AT 1321 O STREET - PRIOR to reading:

CAMP Moved to Continue Public Hearing in one week to April 23, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA THE WATERING HOLE AT 1321 O STREET - PRIOR to reading:

CAMP Moved to Continue Public Hearing in one week to April 23, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF MO CHARA, LLC DBA THE WATERING HOLE WEST FOR A CLASS C LIQUOR LICENSE AT 1550 S. CODDINGTON AVE., SUITE P - PRIOR to reading:

CAMP Moved to Continue Public Hearing in one week to April 23, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA THE WATERING HOLE WEST AT 1550 S. CODDINGTON AVE., SUITE P - PRIOR to reading:

CAMP Moved to Continue Public Hearing in one week to April 23, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF CHAD WINTERS, CHRISTOPHER VORHIES, ROGER TOY AND ROBERT TOY DBA IDEAL GROCERY FOR A CLASS C LIQUOR LICENSE AT 905 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86758 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 Chad Winters, Christopher Vorhies, Roger Toy and Robert Toy dba Ideal Grocery for a Class "C" liquor license at 905 South 27th Street, Lincoln, Nebraska, for the license period ending October 31, 2012, be approved with the condition that the premises 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 Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

ORDINANCES - 2ND 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 second 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

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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 second 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 second 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 second 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 second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 16 - 31, 2012 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86759 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 April 2, 2012, 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>	
Melinda Atkinson	\$257.06	Michael C. Mahoney	\$3,607.91
Twila A. Wilson	NAS*	Mark Ekeler	3,396.79
Leatrice Bullock	57.06	DeAndrae Melvin	1,363.95
Christine Peters	125.00	Stephen G. Davis	275.00
Charlotte Mulder	271.62	Nate Kollars	822.47
Ryan Brundege	304.43	Nicholas Anderson	1,525.00
J.A. McShane	65.96	Rentals 4U, LLC	411.46
Kent Dixon	NAS*	Eric Keester	1,097.60
Bonnie Luebbe	27.16	Jeffery & Nerissa Ahern	2,000.00
Lackeyitha Willis	342.20		
Kevin Taylor	NAS*		
Tamara K. Wellmann	131.18		
Mike & Laurie Cornelius	539.00		
Mikayla Poor Bear	90.00		

* No Amount Specified

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

Introduced by Jonathan Cook

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

AUTHORIZING THE TRANSFER OF APPROPRIATIONS FOR EXPENSES ASSOCIATED WITH UPCOMING LABOR NEGOTIATIONS AND THE PAGE/CIR CASE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86760 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That a transfer of appropriations in the amount of \$15,000 from the General Fund/ Contingency, Miscellaneous Other Services and Charges, Account 18001.5989, to General Fund/Personnel, Miscellaneous Contractual Services, Account 10001.5621, and \$135,000 from General Fund/Contingency, Miscellaneous Other Services and Charges, Account 18001.5989 to General Fund/General Expense, Legal Services, Account 18002.5642 for expenses associated with the upcoming labor negotiations and the PAGE/CIR case, is hereby approved and the Finance Director is authorized to make such transfer upon passage of this Resolution.

Introduced by Jonathan Cook

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

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

A-86761 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the 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, effective upon execution by both parties, upon the terms and conditions 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 Jonathan Cook

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA LABLINC 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 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86762 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Contract Agreement between the City of Lincoln and Nebraska LabLinc for Health Department Laboratory Test Services, pursuant to Bid No. 12-

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062, for a three year term with the option to renew for one additional three year term, upon the terms and conditions 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 Jonathan Cook

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

APPROVING THE AMENDMENT TO QUOTE 2969 AGREEMENT FOR CITY RENEWAL BETWEEN THE CITY OF LINCOLN AND NEBRASKA LABLINC TO PROVIDE THE ANNUAL REQUIREMENTS FOR BLOOD CHEMISTRY PROFILES FOR A TWO YEAR TERM FROM MAY 20, 2012 THROUGH MAY 19, 2014 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86763 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Amendment to Quote 2969 Agreement for City Renewal between the City of Lincoln and Nebraska LabLinc to provide the Annual Requirements for Blood Chemistry Profiles, for a two year term from May 20, 2012 through May 19, 2014, 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 of Lincoln.

Introduced by Jonathan Cook

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

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

A-86764 WHEREAS, the State of Nebraska, Board of Public Roads Classifications and Standards has established a design loading for new and reconstructed bridges; and

WHEREAS, the existing viaduct on North 27th Street was designed in accordance with the 12th edition of AASHTO Standard Specifications for Highway Bridges which does not meet the new design loading established by the Board of Public Roads Classifications and Standards; and

WHEREAS, the City of Lincoln will be rehabilitating the North 27th Street viaduct with an upcoming construction project;

WHEREAS, the City of Lincoln desires to submit a Request for Relaxation of the Minimum Design Standards for design loading required by the Board of Public Roads Classification and Standards; and

WHEREAS, the City of Lincoln believes that the granting of such relaxation of the minimum design standards will not impair the safety of traffic within the limits of the project;

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

Pursuant to Neb. Rev. Stat. § 39-2113(5) (Reissue 2008), the City of Lincoln does hereby request that the Board of Public Roads Classifications and Standards grant a relaxation of the above described design loading for Other Arterials.

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

Introduced by Jonathan Cook

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

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

A-86765 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Agreement between the City of Lincoln and the State of Nebraska Department 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-NBIS(95), in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Devin Biesecker, Engineering Services Division of the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Jonathan Cook

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

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

A-86766 WHEREAS, the City of Lincoln desires to enter into a contract for Phase I of the Nebraska Centennial Mall Renovation Project for improvements between M and P Streets; and

WHEREAS, the construction costs are estimated to be \$2.32 million with funding sources of \$628,000 TIF, \$318,000 State grant programs, \$100,000 Lancaster County grant, \$578,000 private foundations and donors, and \$700,000 Keno funds; and

WHEREAS, construction for Phase I is scheduled to begin May 2012 and extend through the calendar year of 2012; and

WHEREAS, the Parks and Recreation Department would propose to commit appropriations of \$700,000 of Keno funds in their CIP budget for FY 2012-13 and FY 2013-2014 for the Nebraska Centennial Mall Renovation Project; and

WHEREAS, said Project will involve the expenditure of money from appropriations of more than one fiscal year, and Article VII, Section 3 of the Charter of the City of Lincoln provides that no such expenditure of money of more than one year shall be valid unless approved by resolution of the City Council.

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

That the Mayor and Finance Director are authorized to approve expenditures and related transfers of funds or approvals in connection with the multi-year Nebraska Centennial Mall Renovation Project for Phase I to be paid from CIP funds for FY 2012-2013 and FY 2013-2014.

Introduced by Jonathan Cook

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

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 - PRIOR to reading:

HORNUNG Moved to amend Bill No. 12R-61 to Continue Public Hearing w/Action in one week to April 23, 2012.

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

ORDINANCES - 3RD 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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19701, is recorded in Ordinance Book #27, Page .

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

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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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.
The ordinance, being numbered **#19702**, is recorded in Ordinance Book #27, Page .

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.
The ordinance, being numbered **#19703**, is recorded in Ordinance Book #27, Page .

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

MISCELLANEOUS NO. 10003 - VACATING THE FINAL PLAT OF HARTLAND'S VIEW POINTE WEST 1ST ADDITION GENERALLY LOCATED AT N.W. 56TH STREET AND WEST AURORA STREET AND RETAINING CERTAIN EASEMENTS THERE IN THE NAME OF THE CITY - CLERK read an ordinance, introduced by Doug Emery, vacating the final plat of Hartland's View Pointe West 1st Addition including all dedicated public street rights-of-way within said plat on property generally located at N.W. 56th Street and West Aurora Street, declaring the vacated street rights-of-way surplus and authorizing the conveyance of the vacated public street rights-of-way to Hartland Homes, Inc., the first time.

VACATION NO. 12001 - VACATING MULTIPLE RIGHTS-OF-WAY AND ALLEYS LOCATED IN THE WEST HAYMARKET AREA BETWEEN L STREET AND U STREET AND BETWEEN 2ND STREET AND 7TH STREET - CLERK read an ordinance, introduced by Doug Emery, vacating various rights-of-way in the West Haymarket area generally bounded by U Street on the north, L Street on the south, 2nd Street on the west and 7th Street on the east, retaining title thereto in the City of Lincoln, Nebraska, declaring the vacated rights-of-way surplus and authorizing the conveyance thereof to the West Haymarket Joint Public Agency, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

APPROVING AN AMENDMENT TO AGREEMENT FOR ANIMAL SHELTER SERVICES BETWEEN THE CITY OF LINCOLN AND THE CAPITAL HUMANE SOCIETY FOR AN ADDITIONAL FOUR YEAR TERM AND TO AMEND THE COMPENSATION TO BE PAID FOR SAID ADDITIONAL TERM.

AMENDING RESOLUTION NO. A-86641 FOR THE USE OF PUBLIC RIGHT OF WAY ALONG SOUTH 9TH STREET FOR AN ACCESSIBLE RAMP AND LANDING TO ALLOW STEPS IN THE RIGHT OF WAY RATHER THAN THE RAMP.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR THE 14TH STREET RECONSTRUCTION FROM I-80 TO ALVO ROAD AND FOR THE ACQUISITION OF RIGHT-OF-WAY OUTSIDE THE CITY LIMITS.

OPEN MICROPHONE - NONE

ADJOURNMENT 8:52 P.M.

CAMP Moved to adjourn the City Council meeting of April 16, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant

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