

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, APRIL 23, 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

SCHIMEK Having been appointed to read the minutes of the City Council proceedings of April 16, 2012 reported having done so, found same correct.

Seconded by Camp & 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 present the Mayor's Award of Excellence for the month of March, 2012 to Sergeant Jeff Bucher, detective with the Central Investigations Unit of the Police Department. Sgt. Bucher was nominated by Captain Jon Sundermeier in the categories of Productivity and Safety for his work on a difficult and violent 2009 road-rage case that ultimately led to an arrest in 2011. At times there was little evidence to work with and the chances of solving the case seemed bleak. A break came from a Crimestopper tip nearly a year after the original incident, and patience and strategy were needed to maximize the efforts of clearing the case. Sgt. Bucher persevered and invested a tremendous amount of work into the case, pursuing every lead. He showed dedication and an outstanding work ethic.

Jon Sundermeier, Captain of Criminal Investigations, came forward to state that Jeff is an outstanding detective who works hard and gives all of his cases detailed attention. In this instance, it led to a remarkable clearance of an extremely violent crime.

Jim Peschong, Chief of Police, came forward to thank the Council and Mayor for recognizing Sgt. Bucher for his hard work, dedication, and tenacity on this difficult case.

Sergeant Jeff Bucher came forward to show his appreciation and to acknowledge the efforts of those who assisted him with his investigation.

PUBLIC HEARING

APPLICATION OF MYKHANH RESTAURANTS LLC DBA PHO FACTORY FOR A CLASS I LIQUOR LICENSE AT 940 NORTH 26TH STREET;

MANAGER APPLICATION OF KHANH THI NGUYEN FOR MYKHANH RESTAURANTS LLC DBA PHO FACTORY AT 940 NORTH 26TH STREET - Khanh Thi Nguyen came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF NEBRASKA CVS PHARMACY, LLC DBA CVS PHARMACY #473 FOR A CLASS C LIQUOR LICENSE AT 1550 SOUTH STREET;

MANAGER APPLICATION OF DON D. WESTERLIN FOR NEBRASKA CVS PHARMACY, LLC DBA CVS PHARMACY #473 AT 1550 SOUTH STREET - Buck Heim, 1650 Farnham St., Omaha, NE came forward on behalf of the applicant to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF TOP SHELF BEVERAGE SERVICES, LLC DBA TOP SHELF BEVERAGE SERVICES FOR A CLASS CK LIQUOR LICENSE AT 1038 O STREET;

MANAGER APPLICATION OF JEREMY M. SCHAFER FOR TOP SHELF BEVERAGE SERVICES, LLC DBA TOP SHELF BEVERAGE SERVICES AT 1038 O STREET - Jeremy M. Schafer, 2000 S. 34th St., came forward to take oath and answer questions. He replied that he is willing to accept restrictions placed on his establishment and the liquor license due to his criminal history. He explained the circumstances surrounding the DUIs on his record and took responsibility for his actions. Mr. Schafer described his business as a beverage focused catering business that will provide services at various off-site events. The location at 1038 O Street is intended to be a showroom for clients and will not operate as a bar. He responded that he has spent the years since his last DUI working for Lazlo's and creating his business.

Mike Schafer, 7911 S. 78th Street, came forward to take oath and answer questions. He stated that he is not only Jeremy's father, but also an investor in the business, and would not stand up for Jeremy's character if he did not believe he had turned his life around. They have discussed the possibility of naming him as manager instead of Jeremy, but Jeremy is critical to the business. Mr. Schafer stated he will be actively involved doing the HR functions and financial management of the business.

REGULAR MEETING

April 23, 2012

Page 16

Tim Thoreson, 2115 Spring Meadows Cir., came forward to take oath and answer questions.

Andrew Nedderman, 425 N. 117th Ct., Apt. 1, Omaha, NE, came forward to take oath and answer questions.

Russ Fosler, Police Investigator, came forward to answer questions. He stated that restrictions have been placed on liquor licenses in the past. Based on Jeremy's criminal record, he gave the recommendation for denial. Jeremy could be denied as manager, but still be involved in the business. Though they are not going to be operating their storefront as a bar, the type of liquor license they applied for would make them eligible to do on sale and off sale at their location. Investigator Fosler discussed various options for voting, restrictions and the recommendation to the Liquor Commission.

This matter was taken under advisement.

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 5310 SOUTH 56TH STREET, SUITE 1;

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR MO CHARA, LLC DBA CLIFF'S MARTINI LOUNGE AT 5310 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 - Bryan A. McFarland, 762 W. Lakeshore Ct. came forward to take oath and answer questions. In answer to Council concerns regarding the simultaneous management of four on sale locations, Mr. McFarland replied that he has already been in place as manager to multiple locations for more than a decade.

This matter was taken under advisement.

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 THEREIN IN THE NAME OF THE CITY - Marvin Krout, Director of Planning, came forward to state that in order to avoid having to extend escrow, the developer has decided to vacate the plat subject to the conditions that he provide the City with easements to be dedicated where there are water and sewer lines already in place, he stabilize the soils and he agree to repay the City for the paving of NW 56th Street.

This matter was taken under advisement.

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 - Rick Peo, Chief Assistant City Attorney, came forward to state that this is the first phase of street vacation associated with the West Haymarket Redevelopment project. The primary purpose of this vacation is for final platting to create buildable lots in the future. One of the major areas on the west side of the new corridor is for a wetland stormwater mitigation area. Mr. Peo stated that Council will be receiving a motion to amend to defer vacation of 4th Street between R and O Streets because this particular area must be examined more closely before it is vacated in order to avoid nonconformance.

This matter was taken under advisement.

CHANGE OF ZONE 11040 - AMENDING SECTION 27.67.040 OF THE LINCOLN MUNICIPAL CODE

RELATING TO SPECIAL PARKING REQUIREMENTS TO DELETE SPECIAL PARKING REQUIREMENTS FOR ROOMING AND BOARDING HOUSES AND TO REVISE THE PARKING REQUIREMENTS FOR FRATERNITIES AND SORORITIES - Marvin Krout, Director of Planning, came forward to describe the amendments and to answer questions. After meeting various times with University of Nebraska, fraternity and sorority, and East Campus representatives, it was decided that parking in the "Greek Row" area near City Campus resembled downtown parking. The best solution would be to create a no-parking requirement zone from R Street to W Street north of Vine, and 14th Street to 17th Street. Most of the fraternities and sororities in that area today are nonconforming and will have to come one-by-one to ask to do additions and exempt themselves from the parking requirements. They will need to find their own individual solutions to parking problems, but they have been doing that for decades. In addition, the University has been doing a good job of keeping up with parking garages. The needs of Greek housing near East Campus have also been addressed.

This matter was taken under advisement.

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 - Judy Halstead, Director of Lincoln-Lancaster County Health Department, came forward to introduce this contract. She expressed gratitude to Mr. Downey and his staff for all the work they have done.

Bob Downey, Executive Director of Capital Humane Society, came forward to state that four years ago, the Council, the Mayor's Office and the Health Department made sure their contract was brought up to a level where they were being compensated for the services they were providing. They were very grateful for that. Those who work at the shelter and those who care about the work they do also care about the City of Lincoln. This year, considering current budget struggles, they are pleased to give back this gift to the community from Capital Humane Society.

This matter was taken under advisement.

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 - Harry Kroos, Public Works & Utilities, came forward to state that the developer originally believed he would need an access ramp along 9th Street. The length of the ramp would have encroached on the adjacent property and would have had negative impacts when they decided to develop it. Their ADA access is actually off the west side of the building. Upon review of the situation, we brought this amendment to allow them to reconfigure the steps and still allow an exit onto 9th street for this property.

This matter was taken under advisement.

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 - Devin Biesecker, Public Works & Utilities, came forward to describe this agreement for construction on a roundabout at 14th and Alvo. The north side of Alvo is in the County so the inter-local agreement is required to allow for the construction. In answer to Council questions, Mr. Biesecker stated that construction will not start until school is out, around June 1st, and the work is scheduled to be completed before school returns in the fall. The entire project will be done around Thanksgiving of this year.

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 -

Bill Morris came forward representing Data Corp. to state that he has been advised that Dr. Bailey is withdrawing from his contract with Bob Bennie; however, the use permit has not been withdrawn and Data Corp. is still opposed to it.

Marvin Krout, Director of Planning, came forward to answer Council questions. It is common to get amendments for small portions of larger areas. It is not as common to have opposition from nearly all of the other properties, so this situation is unusual. He stated that as of this time, the use permit has not been withdrawn.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

RESOLUTION ASSESSING THE COST OF THE UNIVERSITY PLACE BUSINESS MAINTENANCE IMPROVEMENT DISTRICT AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86767 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

1. The cost of providing for the maintenance of certain public facilities in the University Place Maintenance Business Improvement District including:
 - a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way;
 - b. Care and maintenance, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings;
 - c. Maintenance (excluding repair) of sidewalks;
 - d. General maintenance of median signs including repair and repainting; including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said

REGULAR MEETING

April 23, 2012

Page 18

district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the University Place Maintenance Improvement District" and made a part hereof;

2. The cost of said activities is the sum of \$15,472.54.

3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement.

4. Each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements.

5. The cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the University Place Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 30th day of April, 2012, at 5:30 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Carl Eskridge

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

RESOLUTION ASSESSING THE COST OF THE NORTH 27TH STREET MAINTENANCE IMPROVEMENT DISTRICT AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86768 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

1. The cost of providing for the maintenance of certain public facilities in the North 27th Street Maintenance Business Improvement District including:

a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way;

b. Care and maintenance, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings;

c. Maintenance (excluding repair) of sidewalks;

d. General maintenance of median signs including repair and repainting; including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District" and made a part hereof;

2. The cost of said activities is the sum of \$13,291.44.

3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement.

4. Each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements.

5. The cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 30th day of April, 2012, at 5:30 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Carl Eskridge

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

RESOLUTION ASSESSING THE COST OF THE SOUTH STREET BUSINESS MAINTENANCE IMPROVEMENT DISTRICT AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86769 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

1. The cost of providing for the maintenance of certain public facilities in the South Street Business Improvement District including:

a. Maintenance of the irrigation system including Spring start-up and Fall shut-off;

b. Removal of litter from sidewalks, median planting beds, planting areas in the South Street right-of-way and the 14th Street plaza area;

c. Removal of trash from the 14th Street plaza area trash receptacles;

d. Replacement, as needed, of street furniture, planters, ornamental lights and trash receptacles;

e. Care and maintenance of all landscaping, including watering, fertilizing, weeding, pruning, spraying, mulching and removal and replacement of dead plants and shrubs and trees; including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the South Street Business Improvement District" and made a part hereof;

2. The cost of said activities is the sum of \$9,148.09.

3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement.

4. Each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements.

5. The cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the South Street Business Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 30th day of April, 2012, at 5:30 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Carl Eskridge

Seconded by Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 9, 2012 - Clerk presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

BLACK HILLS CORPORATION, 2011 ANNUAL REPORT - CLERK presented said report which was placed on file in the Office of the City Clerk.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12009 to Use Permit No. 117C, Horizon Business Center, approved by the Planning Director on April 13, 2012, requested by Olsson Associates, to subdivide Lot 19 into two lots and increase the floor area from 48,000 square feet to 61,217 square feet, on property generally located at S. 14th St. and Infinity Court.

Administrative Amendment No. 12010 to Use Permit No. 132B, Willowbrook Shopping Center, approved by the Planning Director on April 16, 2012, requested by Bahr Vermeer Haecker Architects, to add architectural design exhibits 1.5c - 1.5e, and to revise Note E on the site plan stating that "All buildings shall conform to the architectural design criteria on attached sheets 1.5a - 1.5e", on property generally located at S. 70th St. and Highway 2.

Administrative Amendment No. 12011 to Special Permit No. 46, Eastridge Swimming Pool, approved by the Planning Director on April 16, 2012, requested by GoodeGuy Construction, to add Note #8 to the site plan stating that "Accessory buildings need not be shown on the site plan but will be reviewed at the time of building permit", on property generally located at Sunrise Rd. and Randolph St.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF MYKHANH RESTAURANTS LLC DBA PHO FACTORY FOR A CLASS I LIQUOR LICENSE AT 940 NORTH 26TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86770 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 Mykhanh Restaurants LLC dba Pho Factory for a Class "I" liquor license at 940 North 26th Street, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

REGULAR MEETING

April 23, 2012

Page 20

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

MANAGER APPLICATION OF KHANH THI NGUYEN FOR MYKHANH RESTAURANTS LLC DBA PHO FACTORY AT 940 NORTH 26TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86771 WHEREAS, Mykhanh Restaurants LLC dba Pho Factory located at 940 North 26th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Khanh Thi Nguyen be named manager;

WHEREAS, Khanh Thi Nguyen 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 Khanh Thi Nguyen 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 Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF NEBRASKA CVS PHARMACY, LLC DBA CVS PHARMACY #473 FOR A CLASS C LIQUOR LICENSE AT 1550 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86772 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 Nebraska CVS Pharmacy, LLC dba CVS Pharmacy #473 for a Class "C" liquor license at 1550 South 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 Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MANAGER APPLICATION OF DON D. WESTERLIN FOR NEBRASKA CVS PHARMACY, LLC DBA CVS PHARMACY #473 AT 1550 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86773 WHEREAS, Nebraska CVA Pharmacy, LLC dba CVS Pharmacy #473 located at 1550 South Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Donald Westerlin be named manager;

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

APPLICATION OF TOP SHELF BEVERAGE SERVICES, LLC DBA TOP SHELF BEVERAGE SERVICES FOR A CLASS CK LIQUOR LICENSE AT 1038 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-86774 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 Top Shelf Beverages Services, LLC dba Top Shelf Beverage Services for a Class "CK" liquor license at 1038 O Street, Lincoln, Nebraska, for the license period ending October 31, 2012, be approved with the condition that:

1. There be no business or personal alcohol related offenses of a federal, state, or local law or regulation by the applicant within the first year after approval.

2. 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.

3. 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 Doug Emery

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

MANAGER APPLICATION OF JEREMY M. SCHAFER FOR TOP SHELF BEVERAGE SERVICES, LLC DBA TOP SHELF BEVERAGE SERVICES AT 1038 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

WHEREAS, Top Shelf Beverage Services LLC dba Top Shelf Beverage Services located at 1038 O Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Jeremy M. Schafer be named manager;

WHEREAS, Jeremy M. Schafer 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 Jeremy M. Schafer 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 Doug Emery

Seconded by Hornung and resulted in the following tie vote: AYES: Emery, Eskridge, Schimek; NAYS: Carroll, Cook, Hornung; ABSTAINED: Camp.

COOK Moved to deny manager application.

Seconded by Hornung and resulted in the following tie vote: AYES: Carroll, Cook, Hornung; NAYS: Emery, Eskridge, Schimek; ABSTAINED: Camp.

The resolution, having **LOST**, was assigned File #38-4614 & was placed on file in the Office of the City Clerk.

APPLICATION OF MO CHARA, LLC DBA CLIFF'S LOUNGE FOR A CLASS C LIQUOR LICENSE AT 1323 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86775 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 Mo Chara, LLC dba Cliff's Lounge for a Class "C" liquor license at 1323 O 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 Emery and 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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86776 WHEREAS, Mo Chara, LLC dba Cliff's Lounge located at 1323

O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Bryan A. McFarland be named manager;

WHEREAS, Bryan A. McFarland 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 Bryan A. McFarland 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 Emery and 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 5310 SOUTH 56TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86777 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

REGULAR MEETING

April 23, 2012

Page 22

City ordinances, the City Council recommends that the application of Mo Chara, LLC dba Cliff's Martini Lounge for a Class "C" liquor license at 5310 South 56th Street, Suite 1, 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 Emery and 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 MARTINI LOUNGE AT 5310 SOUTH 56TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86778 WHEREAS, Mo Chara, LLC dba Cliff's Martini Lounge located at 5310 South 56th Street, Suite 1, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Bryan A. McFarland be named manager;

WHEREAS, Bryan A. McFarland 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 Bryan A. McFarland 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 Emery and 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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86779 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 Mo Chara, LLC dba The Watering Hole for a Class "C" liquor license at 1321 O 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 Emery and 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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86780 WHEREAS, Mo Chara, LLC dba The Watering Hole located at 1321 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Bryan A. McFarland be named manager;

WHEREAS, Bryan A. McFarland 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 Bryan A. McFarland 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 Emery and 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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86781 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 Mo Chara, LLC dba The Watering Hole West for a Class "C" liquor license at 1550 S. Coddington Ave., Suite P, 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 Emery and 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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86782 WHEREAS, Mo Chara, LLC dba The Watering Hole West located at 1550 S. Coddington Ave, Suite P, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Bryan A. McFarland be named manager;

WHEREAS, Bryan A. McFarland 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 Bryan A. McFarland 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 Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

ORDINANCES - 2ND 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 second 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 second time.

CHANGE OF ZONE 11040 - AMENDING SECTION 27.67.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PARKING REQUIREMENTS TO DELETE SPECIAL PARKING REQUIREMENTS FOR ROOMING AND BOARDING HOUSES AND TO REVISE THE PARKING REQUIREMENTS FOR FRATERNITIES AND SORORITIES - CLERK - Read an ordinance, introduced by Doug Emery, amending Section 27.67.040 of the Lincoln Municipal Code relating to special parking requirements to delete special parking requirements for rooming and boarding houses and to revise the parking requirements for fraternities and sororities; and repealing 27.67.040 Section of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

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 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86783 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Amendment to Agreement for Animal Shelter Services between the City of Lincoln and the Capital Humane Society to provide animal shelter in conjunction with the Animal Control Division of the Lincoln/Lancaster County Health Department to exercise the option in the Agreement that allows for an additional four year term and to amend the compensation to be paid for said additional term, in accordance with the terms, conditions and assurances contained in said Amendment to Agreement is hereby approved and the Mayor is authorized to execute said Amendment to Agreement on behalf of the City.

The City Clerk is directed to return an executed copy of the Agreement to Judy Halstead, Director of the Lincoln/Lancaster County Health Department for transmittal to the Capital Humane Society.

Introduced by Doug Emery

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

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 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86784 WHEREAS, WRK Real Estate LLC was granted a use of right-of-way permit per Resolution Number A-86641, to place an ADA accessible ramp and landing for access to the building at 301 South 9th Street, within the public right-of-way along South 9th Street; and

REGULAR MEETING

April 23, 2012

Page 24

WHEREAS, WRK Real Estate, LLC has determined an accessible ramp is not required for this exit, and has submitted a letter to amend the permit, a detail plan and a site plan of the steps which are attached hereto, marked as Exhibit A, Exhibit B and Exhibit C respectively, to use the public right-of-way described above to allow for construction of steps and landing for access and egress to the building entrance along South 9th Street; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use,

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

That the application aforesaid of WRK Real Estate, LLC to use approximately 54 square feet of public right-of-way at 301 South 9th Street for the purpose of constructing steps and landing, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions:

1. That the permission granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, and the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for rent as set forth in Section 14.54.090 of the Lincoln Municipal Code and as the fee schedule may be amended from time to time, for use of the surface of the public right-of-way.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and all applicable City ordinances and regulations.

3. The applicant, its heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. The applicant shall require its contractor to contact Diggers Hotline of Nebraska prior to commencing construction activities.

5. All work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

6. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicant, its successors and assigns.

7. Within thirty (30) days from adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all the privileges and authorities hereunder granted shall thereupon automatically terminate.

8. The City Clerk is directed to deliver a copy of this resolution to the City Treasurer for setting up an account for collection of the applicant's annual fee.

Introduced by Doug Emery

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

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 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86785 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and Lancaster County, for 14th Street roadway reconstruction from I-80 to Alvo Road and for the acquisition of right-of-way, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Exhibit "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original of said Agreement to Angela Zocholl for filing with Lancaster County.

Introduced by Doug Emery

Seconded by Eskridge and 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:

SCHIMEK Moved to amend Bill 12R-61 in the following manner:

1. On page 2, after line 16, add a new paragraph 3 as follows:

3. Permittee shall replace the trees that may be removed during construction of the additional parking stalls. The three trees will be replaced in the 15' open space between the driveway and the parking lot.

2. Renumber the subsequent paragraphs accordingly.

Seconded by Cook and carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Schimek; NAYS: Carroll, Eskridge.

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

WHEREAS, Bob Bennie Properties, LLC has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as

Use Permit No. 82C to add Medical Office as a permitted land use to an existing Use Permit that specifically disallowed medical offices, on property generally located at South 14th Street and Old Cheney Road, and legally described as:

Lot 2, Design Data Corporate Office Park, located in the Northwest Quarter of Section 13, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on said application and adopted Resolution No. PC-01271 conditionally approving the same; and

WHEREAS, Design Data Corp. has filed a Notice of Appeal appealing the action of the Planning Commission conditionally approving Use Permit No. 82C; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.27.080(g), the action appealed from is deemed advisory and the City Council is authorized to take final action on the application for Use Permit No. 82C; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this modification of the Use Permit will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln and 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 Bob Bennie Properties, LLC, hereinafter referred to as "Permittee", to add Medical Office as a permitted land use to the existing Use Permit 82B, be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that the development of said Use Permit be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval amends Use Permit 82B to allow medical office use in the O-Office District zoning.

2. Before occupying buildings all development and construction must substantially comply with the approved plans.

3. Permittee shall replace the trees that may be removed during construction of the additional parking stalls. The three trees will be replaced in the 15' open space between the driveway and the parking lot.

~~4.3-~~ All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established owners association approved by the City.

~~5.4-~~ The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters shall be in substantial compliance with the location of said items as shown on the approved site plan.

~~6.5-~~ The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee and Permittee's successors and assigns.

~~7.6-~~ The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the use permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the use permit and the letter of acceptance with the Register of Deeds against the Property, filing fees therefor to be paid in advance by the Permittee.

~~8.7-~~ The site plan as approved by this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits shall remain in full force and effect except as specifically amended by this resolution.

Introduced by Jonathan Cook

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

The resolution, having **LOST**, was assigned File **#38-4615** & was placed on file in the Office of the City Clerk.

ORDINANCES - 3RD 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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19704**, is recorded in Ordinance Book 27, Page .

REGULAR MEETING

April 23, 2012

Page 26

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

A-86786 A RESOLUTION OF THE CITY OF LINCOLN, NEBRASKA CALLING FOR THE EARLY REDEMPTION OF THE CITY'S OUTSTANDING General Obligation Highway Allocation Fund Bonds, Series 2004, IN THE AGGREGATE PRINCIPAL OF THIRTY MILLION ONE HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$30,155,000).

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

Section 1. The City of Lincoln, Nebraska (the "City") has previously issued its General Obligation Highway Allocation Fund Bonds, Series 2004, dated March 17, 2004, in the original aggregate principal amount of \$35,000,000 (the "Series 2004 Bonds"), of which \$30,155,000 in aggregate principal amount are presently outstanding. The Series 2004 Bonds were authorized by an ordinance duly passed and adopted by the Council of the City (the "City Council") on January 26, 2004 and approved by the Mayor on January 29, 2004 (the Series 2004 Ordinance). Such bonds were issued for the purposes of financing items in the City's 2004-2009 Street Capital Improvement Program.

Section 2. As set forth in the Series 2004 Ordinance, the Series 2004 Bonds maturing on and after November 15, 2014 are subject to redemption at any time on or after May 15, 2014, as a whole or in part, from time to time at the principal amount thereof, at a redemption price equal to the principal amount of the Series 2004 Bonds so redeemed, plus accrued interest on such principal amount being redeemed to the Redemption Date.

Section 3. The City Council hereby authorizes the advance refunding and defeasance of the outstanding Series 2004 Bonds and the redemption and payment of all such bonds then outstanding on May 15, 2014 (the "Redemption Date"), all in accordance with redemption provisions set forth in the Series 2004 Ordinance, after which date interest on such bonds shall cease:

General Obligation Highway Allocation Fund Bonds, Series 2004, dated March 17, 2004, in the principal amount of \$30,155,000, numbered as shown on the books of the Paying Agent and Registrar with respect to such bonds, in denomination of \$5,000 or integral multiples thereof, becoming due as follows:

<u>Maturity Date</u> <u>(November 15)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP</u>
2012	\$1,900,000	5.00%	534238X54
2013	1,995,000	5.00	534238X62
2014	2,100,000	5.00	534238X70
2015	2,210,000	5.00	534238X88
2016	2,330,000	4.25	534238X96
2017	2,455,000	4.25	534238Y20
2018	2,590,000	4.25	534238Y38
2019	2,695,000	4.25	534238Y46
2020	2,815,000	4.25	534238Y53
2021	2,945,000	4.50	534238Y61
2022	3,085,000	4.50	534238Y79
2023	3,035,000	4.50	534238Y87

Section 4. The refunding, defeasance and redemption of the Series 2004 Bonds authorized by this Resolution are subject to the prior issuance by the City of its General Obligation Highway Allocation Fund Refunding Bonds, Series 2012 (the "Refunding Bonds"). This Resolution shall have no force and effect if the Refunding Bonds are not issued within one year of the date hereof.

Section 5. The principal of and the interest on the Series 2004 Bonds shall be paid upon presentation and surrender thereof at the principal corporate trust office of Wells Fargo Bank, National Association in Minneapolis, Minnesota, as paying agent and registrar for the Series 2004 Bonds (the "Registrar").

Section 6. Upon the issuance of the Refunding Bonds, the City Finance Director is hereby directed to file a true copy of this Resolution with the Registrar at least 45 days prior to the Redemption Date. The Registrar is hereby instructed to mail notice to each registered owner of the Series 2004 Bonds not less than 30 days prior to the date fixed for redemption, all in accordance with the Series 2004 Ordinance.

Introduced by Jonathan Cook

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

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19705**, is recorded in Ordinance Book 27, Page .

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19706, is recorded in Ordinance Book 27, Page .

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19707, is recorded in Ordinance Book 27, Page .

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 - PRIOR to reading:

EMERY Moved to continue Public Hearing on Bill No. 12-40 to 05/21/12 with Action on 05/21/12.

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

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 third time.

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

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

REAPPOINTING JUSTIN CARLSON TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING APRIL 27, 2015.

APPOINTING PETER LEVITOV TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING APRIL 27, 2015.

APPOINTING LINDA CARTER TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2012.

REGULAR MEETING

April 23, 2012

Page 28

ADOPTING THE AMENDED AND RESTATED ICMA RETIREMENT CORPORATION GOVERNMENTAL 457 DEFERRED COMPENSATION PLAN AND TRUST AND THE AMENDMENT TO SAID PLAN AND TRUST ALLOWING ROTH (AFTER-TAX) DEFERRAL CONTRIBUTIONS.

WAIVER NO. 12001 - APPLICATION OF CHRIST'S PLACE CHURCH TO WAIVE THE PARKING LOT SURFACING REQUIREMENT, PURSUANT TO SECTION 27.67.100(C) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WARLICK BOULEVARD AND OLD CHENEY ROAD.

PLAN CONFORMANCE NO. 12002 - ADOPTING AND APPROVING THE PROPOSED AMENDMENTS TO THE NEBRASKA INNOVATION CAMPUS REDEVELOPMENT PLAN FOR AN AREA GENERALLY LOCATED FROM N. ANTELOPE VALLEY PARKWAY TO 27TH STREET, BETWEEN SALT CREEK AND THE BURLINGTON NORTHERN SANTA FE RAILROAD CORRIDORS TO (1) ADD APPROXIMATELY 127 ACRES TO THE REDEVELOPMENT PLAN AND CREATE TWO AREAS FOR REDEVELOPMENT, THE NEBRASKA INNOVATION CAMPUS AREA AND THE THERESA STREET AREA; (2) UPDATE THE REDEVELOPMENT PLAN TO REFLECT CHANGES THAT HAVE OCCURRED SINCE IT WAS APPROVED IN NOVEMBER 2010; AND (3) ADD THE PHASE I NIC PROJECTS, INCLUDING RENOVATION OF THE 4-H AND INDUSTRIAL ARTS BUILDINGS WITH CONSTRUCTION OF A COMPANION BUILDING TO EACH AND CONSTRUCTION OF TWO ADDITIONAL RESEARCH BUILDINGS.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 1-15, 2012.

APPROVING THE REAPPOINTMENT OF DAVID R. SMITH AND ED SCHNEIDER TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR TERMS EXPIRING APRIL 15, 2015.

APPROVING THE APPOINTMENT OF MARCIA WHITE TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2015.

OPEN MICROPHONE - NONE

ADJOURNMENT 4:17 P.M.

CAMP Moved to adjourn the City Council meeting of April 23, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Amy H. Huffman, Senior Office Assistant