

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

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of May 7, 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.

ELECTION OF COUNCIL CHAIR PERSON AND VICE CHAIR PERSON

Mayor Chris Beutler came forward to conduct nominations for the office of Chair for the City Council. Council Member Eugene Carroll nominated Adam Hornung. Clerk called the roll and the motion carried, 7-0.

As newly elected Chair, Adam Hornung, conducted the nominations for the office of Vice Chair for the City Council. Council Member Eugene Carroll nominated Carl Eskridge. Clerk called the roll and the motion carried, 7-0.

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the Month of April 2012 to Michael Kennedy, Bus Operator, for the StarTran Division of the Public Works & Utilities Department in the categories of Customer Relations and Valor for helping a citizen in danger.

Mike Weston, StarTran Operations Superintendent, came forward to express pride in having an excellent employee like Mr. Kennedy.

Miki Esposito, Director of Public Works & Utilities, came forward to thank Mr. Kennedy for his generous action.

Mr. Kennedy came forward in appreciation for the honorable recognition.

ANNOUNCEMENT

The newly elected Chair Hornung read the opening statement and proceeded with the order of business. He announced that Agenda Item 26) Contract Agreement for Towing and Storage Services would most likely have a motion to delay with public hearing on June 4, 2012. He welcomed anyone present to speak on this item today but advised speakers to not have duplicate testimony in the planned future hearing.

**BOARD OF EQUALIZATION
MONDAY, MAY 14, 2012 3:00 P.M.**

SOUTH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT

- I CALL TO ORDER
- II CLERK READS DESCRIPTION
- III TESTIMONY BY STAFF (Urban Development Dept.)
- IV QUESTIONS OF COUNCIL TO STAFF
- V TESTIMONY BY PUBLIC
- VI VOTE ON BUSINESS IMPROVEMENT DISTRICT
- VII ADJOURN SINE DIE

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PUBLIC HEARING

CLERK Read the description of the Business Improvement District into the record as being South Street from the Alley West of 9th Street East to 19th Street.

David Landis, Urban Development Director, came forward to request that Council delay action in order for his department to amend charges to get a very accurate number for 2011. He said some charges need to be deleted; some charges need to be added; and the amount of \$1,041 needs to be deducted for tree replacement. He said Parks & Recreation has agreed to use other resources for the disputed trees. Mr. Landis said two principle ideas have been adopted. First, he explained that the City will not plant where something has died throughout the year. A November meeting will be planned and it will be comprised of civic members/neighborhood associations and property owners as well. Secondly, the invoicing system will be changed to have a much more timely use. Council Chair Hornung clarified with City Clerk and Mr. Landis that June 4, 2012 will be the date to reconvene.

Craig Johnson, 1720 South St., came forward to clarify the reasons for his request to change the borders of the South Street Maintenance BID. He said South Street was resurfaced from 27th to 17th without any beautification or improvements. Two years later, beautification was done from 8th to 17th Streets. He felt the boundary was drawn to 19th because of a planting bed that had existed there for 30 years. Mr. Johnson stated that the boundary should end at 17th Street and anyone east of 17th should not be included in the process.

VOTING SESSION

CARROLL Moved to delay the South Street Maintenance BID three weeks to June 4, 2012.

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

ADJOURNMENT

CAMP Moved to adjourn the Board of Equalization.

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

3:11 P.M.

Regular City Council Meeting convened 3:11 p.m.

PUBLIC HEARING

APPLICATION OF JLM ENTERPRISES LLC DBA PINE LAKE GOLF & TENNIS CLUB FOR A CLASS I LIQUOR LICENSE AT 6601 SOUTH 84TH STREET;

MANAGER APPLICATION OF JASON L MEININGER FOR JLM ENTERPRISES LLC DBA PINE LAKE GOLF & TENNIS CLUB AT 6601 SOUTH 84TH STREET - Jason Meininger, Manager, 4228 Duxhall Drive, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF BISON COURTSIDE LLC DBA PARK CENTERS BANQUET HALL FOR A CLASS I LIQUOR LICENSE AT 2608 PARK BOULEVARD;

MANAGER APPLICATION OF JOEL W. SCHOSSOW FOR BISON COURTSIDE LLC DBA PARK CENTERS BANQUET HALL AT 2608 PARK BOULEVARD - Joel Schossow, 6772 Wildrye Rd., came forward to take oath and answer questions. He said his fully remodeled event center should allow for better social gatherings. Mr. Schossow clarified that an out-of-state traffic citation in 1991 led to a license suspension in Nebraska which was then resolved.

This matter was taken under advisement.

APPLICATION OF A.B.H. ENTERPRISES LLC DBA HYLANDER BAR & GRILL FOR THE ADDITION OF A BEER GARDEN MEASURING APPROXIMATELY 18 FEET BY 18 FEET TO THE EAST OF ITS LICENSED PREMISES AT 110 WEST FLETCHER AVE. - Robert Hanks, 7033 Yosemite Dr., came forward to take oath and answer questions. Mr. Hanks said he wanted to

provide a smoking area for patrons in a private area away from the front entry. In response to Council questions, Mr. Hanks said he posted a liquor license notice but neither neighbors, nor others, asked questions.

This matter was taken under advisement.

MANAGER APPLICATION OF SAMANTHA PETZOLDT FOR GMRI INC. DBA RED LOBSTER RESTAURANT 236 AT 6540 O STREET - Samantha Petzoldt, 6540 O St., came forward to take oath and answer questions. She explained an occurrence involving poor judgment which led to a DUI in 2007. Ms. Petzoldt said when school commences, she will move from Grand Island to Lincoln.

This matter was taken under advisement.

CHANGE OF ZONE 12003 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT, FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT, AND FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY LOCATED IN THE WEST HAYMARKET GENERALLY FROM NORTH 1ST STREET TO NORTH 7TH STREET AND M STREET TO Y STREET;

CHANGE OF ZONE 12004 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING FIGURE 27.35.070(A) WITHIN SECTION 27.35.070 TO REFLECT THE REVISED HEIGHT LIMITS IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT; ADDING A NEW SECTION NUMBERED 27.59.015 TITLED SCOPE OF REGULATIONS TO CLARIFY THAT AIRPORT ZONING REGULATIONS ARE APPLICABLE IN ALL UNDERLYING ZONING DISTRICTS AND APPLY TO BOTH PUBLIC AND PRIVATE ENTITIES; AMENDING SECTION 27.59.040 RELATING TO AIRPORT ZONING HEIGHT RESTRICTIONS TO REPLACE THE METES AND BOUNDS DESCRIPTION WITH A REFERENCE TO THE AIRPORT ZONING MAP; AMENDING SECTION 27.69.035 AND TABLE 1, OFF PREMISES SIGNS, WITHIN SECTION 27.69.040 TO PROHIBIT THE LOCATION OF OFF PREMISES SIGNS IN THE HAYMARKET AND DOWNTOWN AREAS OF THE B-4 LINCOLN CENTER BUSINESS DISTRICT WEST OF 9TH STREET; REPEALING SECTIONS 27.35.070, 27.59.040, AND 27.69.035 AND TABLE 1 WITHIN SECTION 27.69.040 (OFF-PREMISES SIGNS) OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING; AMENDING THE LINCOLN AIRPORT ZONING MAP DATED FEBRUARY 25, 2002 TO BE CONSISTENT WITH FIGURE 27.35.070(A); AND AMENDING THE LINCOLN CAPITOL ENVIRONS DISTRICT HEIGHT REGULATION MAP TO REFLECT A 57-FOOT HEIGHT REQUIREMENT WEST OF THE CAPITOL;

MISC. NO. 12001 - AMENDING CHAPTER 3.76, LINCOLN DOWNTOWN DESIGN STANDARDS, OF THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTION 4.1, SITE DEVELOPMENT, AND SECTION 4.2, BUILDING FEATURES, TO ADDRESS EXTERIOR FEATURES OF PROJECTS REQUIRING BUILDING PERMITS IN THE DOWNTOWN - Marvin Krout, Planning Director, came forward to highlight important points, all in furtherance of the West Haymarket Development. He said the change of zone will address heights, setback requirements, residential uses and parking requirements. He said Title 27 was amended to allow a block and a half area of West Haymarket to be rezoned higher than the current standard of 75 feet. Mr. Krout said a map was corrected/clarified to be more consistent with the Airport Zoning Map. He said the proposed amendments will extend the Downtown Design Standards west of 9th Street from Industrial to B-4 District.

This matter was taken under advisement.

STREET NAME CHANGE 12001 - RENAMING THAT PORTION OF SOUTH 83RD STREET WHICH EXTENDS SOUTH FROM THE INTERSECTION OF SOUTH 83RD STREET AND WENDELL WAY, AS SOUTH 83RD BAY - Marvin Krout, Planning Director, came forward to state that the renaming of this street will simply be a signal to the driver and there will be no addresses on 83rd Bay.

This matter was taken under advisement.

AMENDING CHAPTER 12.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKS-GENERAL RULES AND REGULATIONS AND TITLE 14 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PROPERTY AND PUBLIC WAYS BY AMENDING SECTION 12.08.010 TO REVISE THE DEFINITION OF "PARK" AND TO ADD A DEFINITION FOR "PARK FACILITY"; AMENDING SECTION 12.08.020 TO INCLUDE WHEELCHAIRS AND OTHER POWER-DRIVEN MOBILITY DEVICES AS ACCEPTABLE VEHICLES TO OPERATE IN AREAS OTHER THAN A ROADWAY; AMENDING SECTION 12.08.070 TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO OCCUPY OR BE PRESENT IN A PARK FACILITY DURING ANY HOURS SAID PARK FACILITY IS NOT OPEN TO THE PUBLIC AND TO PROVIDE THAT THE SIDEWALKS ON CENTENNIAL MALL SHALL BE OPEN TWENTY-FOUR HOURS A DAY; AMENDING SECTION 12.08.170 TO INCLUDE A PROHIBITION AGAINST DESTRUCTION AT PARK FACILITIES; AMENDING SECTION 14.40.050, BUILDINGS IN STREET SPACE, TO PROHIBIT THE ERECTION OF ANY TEMPORARY OR PERMANENT BUILDING OR STRUCTURE, INCLUDING TENTS, UPON ANY PUBLIC GROUND WITHOUT A PERMIT; AMENDING SECTION 14.54.010, DEFINITIONS RELATING TO OCCUPANCY ABOVE OR BELOW PUBLIC

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PROPERTY TO AMEND THE DEFINITION OF "STRUCTURE"; AND AMENDING SECTION 14.54.020 TO CLARIFY THAT A PERMIT IS REQUIRED WHEN ERECTING EITHER A TEMPORARY OR A PERMANENT BUILDING OR STRUCTURE UNDERNEATH, ON, OR ABOVE PUBLIC GROUND - Rod Confer, City Attorney, came forward to state that during the Occupy Lincoln demonstration on Centennial Mall, it was discovered that there are a number of deficiencies/omissions to the Lincoln Municipal Code relating to parks and public property.

Jo Tetherow, 3118 Shirley Ct., came forward to comment on homeless individuals who will now be prohibited from erecting shelter from the elements. She expressed concern for their health and well being.

Robert Way, 801 El Avado Ave., came forward to express his concern about the elimination of public space used for connection, debate and open dialogue.

Travis Hepburn, 821 Manchester Ct., came forward to state that he hopes to continue his family's legacy of building a Nebraska that protects the dignity of and provides opportunities for all Nebraskans. He feels the ordinance change will strip the homeless of the little comfort they can manage for themselves.

William Matchett, 1202 S. 21st St., came forward to express the right to peaceably assemble. He asked for clarification of the ordinance as it related to curfew times, use of sidewalks, use of shade tents for the elderly or children.

Steve Swartzler, 1418 F St., Apt. 2, came forward in opposition to the proposed ordinance. Citizens who cannot afford to buy television/radio ads, pay lobbyists or buy billboard space must physically brave the weather, express grievances and bring about social change by use of public spaces. Those with money do not have limits on tv/radio ads nor hours of visibility; they are not limited to a certain number of billboards or lobbyists.

Tammy Pedersen, 3719 NW Gum Ct., came forward in opposition to banning tents. She suggested the use of vacant buildings for homeless shelters.

Tobias Pace, 730 S. 11th St., Apt. D2, came forward to ask that uncontroversial provisions be separated from the controversial provisions in the ordinance amendment.

Jeffrey Eggerss, 1106 N. 29th St., came forward to express concerns to provide assistance to the homeless.

Todd "Tiny" Rose, 1500 N. 15th St., came forward as an individual who is homeless. He fears that without the shelter of a tent, he will be driven to life in alleys and under bridges.

Ginny Wright, 5111 Vine St., #101, came forward to speak on behalf of the homeless plight.

Dana Garrison, 924 Goodhue Blvd., came forward to share that homeless individuals endure incredible challenges. She feels that ordinary people need representation from their government.

Mike Morosin, 1500 N. 15th St., came forward to state that he stepped up to the plate to protect vulnerable, homeless people.

Jennifer Wendelin, 318 E St., came forward in opposition to the ordinance change.

Mr. Confer came forward in rebuttal. He stated that very good points were brought up regarding problems of the homeless, the physically disabled and the mentally disabled -- all of which Lincoln is struggling with. He said the solution is not to allow tent cities to be pitched on public property. Mr. Confer said the city is not attempting to say that people cannot use public space for free speech, in fact public walkways are available 24 hours a day. But, he said, Supreme Court allows cities to restrict the time/place/manner of people exercising their rights of free speech. He said restricting park use after dark is primarily a safety issue.

This matter was taken under advisement.

APPROVING THE DEDICATION OF CERTAIN CITY OWNED PARCELS GENERALLY IN UNION PLAZA, TRAGO PARK, GOVERNMENT SQUARE, JENSEN PARK NORTH ADDITION, AND HOLLINGSWORTH FOR PARK PURPOSES - Lynn Johnson, Director of the Parks & Recreation Dept., came forward

Mike Morosin, 1500 N. 15th St., came forward to present five properties and explain the reasons for formal park land dedication. Union Plaza is located between O & R Streets from North 21st to North 22nd Streets recognizing significant private donations; Trago Park is located generally between R & Vine Streets between North 22nd Street and the Antelope Creek channel; Government Square located northwest of the corner of 10th & O Streets, directly east of Old Federal Hall; Jensen Park North Addition is located in the northeast corner of Jensen Park generally located at the intersection of South 84th Street and Yankee Hill Road; and the Hollingsworth site is located between Beal Slough and the railroad tracks north of Pine Lake Road Park.

Council Member Camp expressed concern about budget constraints in maintaining existing parks. Mr. Johnson explained that long-grass areas have been expanded where they did not exist before. He said as the community grows,

it is necessary for those residents to have access to park land and balance the appropriate sustainability. He said Union Plaza has an endowment to fund repair and replacement costs.

Mike Morosin, 1500 N. 15th St., came forward in support of the formal dedication of Trago Park.

This matter was taken under advisement.

DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES AND A NEW TELEPHONE SYSTEM AND IMPROVEMENTS TO THE CITY'S MUNICIPAL SERVICE CENTER FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION - Steve Hubka, Finance Department, came forward to explain the three projects to be reimbursed out of the proceeds of the upcoming debt issue. He anticipated the debt issuance to come forward in late summer. He explained the breakdown as being the following: Phase II, \$6 million to the MSC; \$2 million to VOIP; \$2 million to street lights. Mr. Hubka said the Municipal Service Center is set up as an internal service fund supported by rents paid that would be sufficient to pay the debt service.

Council Member Carroll clarified the plan to remodel 200,000 sq. ft. of the Experian building allowing the transfer of Parks Dept. from 21st & N and its subsequent sale to the public. The 901 building housing Fleet Services and West District will move to the MSC building, allowing that property to be sold to the public as well.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND FRED EHRLICH TO PROVIDE ALFALFA BALES FOR THE CITY OF LINCOLN PARKS DEPARTMENT FOR FEED FOR THE ELK AND WHITE TAIL DEER FOR A ONE YEAR TERM WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE YEAR TERMS;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND NOVARTIS VACCINES AND DIAGNOSTICS, INC. FOR THE ACQUISITION OF VACCINES AS NEEDED FOR A TERM EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH JUNE 30, 2015;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND 3M COMPANY FOR THE SUPPLY AND DELIVERY OF REFLECTIVE SHEETING FOR A TWO YEAR TERM FROM FEBRUARY 1, 2012 THROUGH JANUARY 31, 2014 - Vince Mejer, Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND CAPITAL TOWING, INC. FOR THE ANNUAL REQUIREMENTS FOR CITY OF LINCOLN TOWING AND STORAGE SERVICES, PURSUANT TO BID NO. 12-006, FOR A FOUR-YEAR TERM WITH AN OPTION TO RENEW FOR ONE ADDITIONAL FOUR-YEAR TERM - Council Chair Hornung advised everyone that a motion to delay would allow public hearing on June 4. He welcomed anyone present to come forward and speak but not duplicate testimony in three weeks.

This matter was taken under advisement.

AMENDING RESOLUTION NO. A-86318 TO CHANGE THE PORTION OF THE LOCAL GOVERNMENT MISCELLANEOUS EXPENDITURES POLICY REGARDING THE MAYOR'S AWARD OF EXCELLENCE, INCLUDING CHANGES TO THE MONETARY AWARD FROM A U.S. SAVING BOND TO A GIFT CERTIFICATE OF THE SAME MONETARY VALUE FOR THE INDIVIDUAL AND TEAM WINNERS OF THE MONTHLY AND ANNUAL AWARDS - Douglas McDaniel, Personnel Director, came forward to clarify changes to simplify the process of award to recipients.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE NO. 12003 - ADOPTING AND APPROVING THE PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN WHICH AMENDS THE ENTERTAINMENT CENTER/OLD FEDERAL BUILDING REDEVELOPMENT PROJECT TO ADD NEW AREAS, ADD NEW PROJECTS AND TO RENAME AS "ENTERTAINMENT CENTER/OLD FEDERAL BUILDING/RETAIL CORRIDOR REDEVELOPMENT PROJECT" TO INCLUDE ALL RIGHTS-OF-WAY FOR RETAIL REVITALIZATION AND STREET/STREETSCAPE IMPROVEMENTS GENERALLY LOCATED BETWEEN NORTH 7TH STREET AND NORTH 17TH STREET, FROM O TO Q STREETS - David Landis, Director of Urban Development, came forward to provide history on the Plan and request a change of boundaries. He said in the last two years, there have been the addition of 25 retailers in the Downtown area.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

ANNUAL REPORT FOR THE YEAR 2011 PREPARED BY CITY LAW DEPARTMENT DATED APRIL 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 30, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF MARCH, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 4, 2012 AT 3:00 P.M. FOR THE APPLICATION OF TRES JALISQUILLOS, INC. DBA LA FIESTA SPORTS BAR FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS C LIQUOR LICENSE CURRENTLY LOCATED AT 1037 L STREET, SUITE A TO THEIR NEW LOCATION DESCRIBED AS THE FIRST FLOOR OF A TWO STORY BUILDING APPROX. 41 FT. X 142 FT. WITH BASEMENT AREA APPROX. 13 FT. X 28 FT. AT 935 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86809 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 4, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Tres Jalisquillos, Inc. dba La Fiesta Sports Bar for a change of location of their existing Class C liquor license currently located at 1037 L Street, Suite A to their new location described as the first floor of a two story building approx. 41 ft. x 142 ft. with basement area approx. 13 ft. x 28 ft. at 935 O Street.

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

Introduced by Jon Camp

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

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 12013 to Use Permit No. 53, Russwood Park, approved by the Planning Director on May 4, 2012 requested by Brehm Enterprises, Inc. to revise the lot configuration and parking layout on property generally located at Russwood Parkway and O Street.

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 04075C - Requested by 1640, LLC for an amendment to the Village Gardens Planned Unit Development for expansion of the area of the PUD by approximately 41 acres on property generally located at S. 56th Street and Pine Lake Road for a Planned Unit Development District designation and approval of a development plan which proposes certain modifications to the Zoning and Land Subdivision Ordinances to allow an additional approximately 220 dwelling units in the underlying R-3-zoned area.

Change of Zone No. 12010 - Requested by Mark Hunzeker amending Section 27.63.685 of the Lincoln Municipal Code to allow the City Council to waive the 100-foot separation requirement set forth in subsection 27.63.685(c) under specified conditions; and repealing Section 27.63.685 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 12011 - Requested by the Director of Urban Development from B-4 Lincoln Center Business District to P Public Use District on property legally described as that portion of Lot 3, Block 7 and Outlot G, Antelope Valley 2nd Addition and vacated right-of-way S. 22nd Street between K and L Streets located in Section 25-10-6; and from P Public Use District to B-4 Lincoln Center Business District on property generally located at S. 21st Street and M Street.

Special Permit No. 10005A - Requested by Jeff Keiser for the expansion of an existing Recreational Facility (Camp Sonshine) 80 to up to 300 camp attendees at any one time during the summer months; to reconfigure building layout and add new accessory uses such as a portable classroom and swimming pool; and to allow up to 20 attendees at an after school program on property generally located at S. 25th Street and Bennet Road.

Special Permit No. 12014 - Requested by Geico Development, Inc. Pleasant Hill Acres Community Unit Plan for approximately 6 single family acreage lots with request to waive sidewalks, street trees, street lighting, landscape screening, block length, preliminary plat, setbacks and design standards for provisions for future street extensions and horizontal street alignment on property generally located at S. Coddington Avenue and W. Pleasant Hill Road.

Special Permit No. 12018 - Requested by Christ's Place Church to allow seasonal sales on property generally located at Old Cheney Road and Warlick Boulevard.

Special Permit No. 12020 - Requested by First Street Bible Church for expansion of a nonconforming use to allow addition of handicap entrance on the east side of the building and parking on the south side of the building on property generally located at S. 1st Street and F Street.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF JLM ENTERPRISES LLC DBA PINE LAKE GOLF & TENNIS CLUB FOR A CLASS I LIQUOR LICENSE AT 6601 SOUTH 84TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86810 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 JLM Enterprises LLC dba Pine Lake Golf & Tennis Club for a Class "I" liquor license at 6601 South 84th Street, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
2. The 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 Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MANAGER APPLICATION OF JASON L MEININGER FOR JLM ENTERPRISES LLC DBA PINE LAKE GOLF & TENNIS CLUB AT 6601 SOUTH 84TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86811 WHEREAS, JLM Enterprises LLC dba Pine Lake Golf & Tennis Club located at 6601 South 84th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jason L. Meininger be named manager; WHEREAS, Jason L. Meininger 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 Jason L. Meininger be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF BISON COURTSIDE LLC DBA PARK CENTERS BANQUET HALL FOR A CLASS I LIQUOR LICENSE AT 2608 PARK BOULEVARD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86812 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

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City ordinances, the City Council recommends that the application of Bison Courtside LLC dba Park Centers Banquet Hall for a Class "I" liquor license at 2608 Park Boulevard, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

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

MANAGER APPLICATION OF JOEL W. SCHOSSOW FOR BISON COURTSIDE LLC DBA PARK CENTERS BANQUET HALL AT 2608 PARK BOULEVARD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86813 WHEREAS, Bison Courtside LLC dba Park Centers Banquet Hall located at 2608 Park Boulevard, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Joel W. Schossow be named manager;

WHEREAS, Joel W. Schossow 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 Joel W. Schossow be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF A.B.H. ENTERPRISES LLC DBA HYLANDER BAR & GRILL FOR THE ADDITION OF A BEER GARDEN MEASURING APPROXIMATELY 18 FEET BY 18 FEET TO THE EAST OF ITS LICENSED PREMISES AT 110 WEST FLETCHER AVE. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86814 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 A.B.H. Enterprises LLC dba Hylander Bar & Grill to expand its licensed premises by the addition of a beer garden area measuring approximately 18 feet by 18 feet to the east of the presently licensed premises located at 110 West Fletcher Ave, Lincoln, Nebraska, be approved with the condition that:

1. The applicant obtains a valid special permit, including the parking requirements.

2. The premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF SAMANTHA PETZOLDT FOR GMRI INC. DBA RED LOBSTER RESTAURANT 236 AT 6540 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86815 WHEREAS, GMRI Inc. dba Red Lobster Restaurant located at 6540 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Samantha Petzoldt be named manager;

WHEREAS, Samantha Petzoldt 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 Samantha Petzoldt be approved as manager of this business for said licensee upon condition that 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. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF R&W BBQ, INC. DBA DICKEY'S BARBECUE PIT FOR A CLASS A LIQUOR LICENSE AT 1226 P STREET - PRIOR to reading:

CAMP Moved to Continue Public Hearing one week to May 21, 2012.

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

MANAGER APPLICATION OF WILLIAM R. CARTER FOR R&W BBQ, INC. DBA DICKEY'S BARBECUE PIT AT 1226 P STREET - PRIOR to reading:

CAMP Moved to Continue Public Hearing one week to May 21, 2012.

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

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

CHANGE OF ZONE 12003 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT, FROM I-1 INDUSTRIAL DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT, FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT, AND FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY LOCATED IN THE WEST HAYMARKET GENERALLY FROM NORTH 1ST STREET TO NORTH 7TH STREET AND M STREET TO Y STREET (RELATED ITEMS: 12-43, 12-44, 12R-81) Action Date: 5/21/12) - CLERK read an ordinance, introduced by DiAnna Schimek, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 12004 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING FIGURE 27.35.070(A) WITHIN SECTION 27.35.070 TO REFLECT THE REVISED HEIGHT LIMITS IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT; ADDING A NEW SECTION NUMBERED 27.59.015 TITLED SCOPE OF REGULATIONS TO CLARIFY THAT AIRPORT ZONING REGULATIONS ARE APPLICABLE IN ALL UNDERLYING ZONING DISTRICTS AND APPLY TO BOTH PUBLIC AND PRIVATE ENTITIES; AMENDING SECTION 27.59.040 RELATING TO AIRPORT ZONING HEIGHT RESTRICTIONS TO REPLACE THE METES AND BOUNDS DESCRIPTION WITH A REFERENCE TO THE AIRPORT ZONING MAP; AMENDING SECTION 27.69.035 AND TABLE 1, OFF PREMISES SIGNS, WITHIN SECTION 27.69.040 TO PROHIBIT THE LOCATION OF OFF PREMISES SIGNS IN THE HAYMARKET AND DOWNTOWN AREAS OF THE B-4 LINCOLN CENTER BUSINESS DISTRICT WEST OF 9TH STREET; REPEALING SECTIONS 27.35.070, 27.59.040, AND 27.69.035 AND TABLE 1 WITHIN SECTION 27.69.040 (OFF-PREMISES SIGNS) OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING; AMENDING THE LINCOLN AIRPORT ZONING MAP DATED FEBRUARY 25, 2002 TO BE CONSISTENT WITH FIGURE 27.35.070(A); AND AMENDING THE LINCOLN CAPITOL ENVIRONS DISTRICT HEIGHT REGULATION MAP TO REFLECT A 57-FOOT HEIGHT REQUIREMENT WEST OF THE CAPITOL (RELATED ITEMS: 12-43, 12-44, 12R-81) ACTION DATE: 5/21/12) - CLERK read and ordinance, introduced by DiAnna Schimek, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Figure 27.35.070(a) within Section 27-35-070 to reflect the revised height limits in the B-4 Lincoln Center Business District; adding a new section numbered 27.59.015 titled Scope of Regulations to clarify that airport zoning regulations are applicable in all underlying zoning districts and apply to both public and private entities; amending Section 27.59.040 relating to airport zoning height restrictions to replace the metes and bounds description with a reference to the Airport Zoning Map; amending Section 27.69.035 and Table 1, Off Premises Signs, within Section 27.69.040 to prohibit the location of off premises signs in the Haymarket and Downtown areas of the B-4 Lincoln Center Business District west of 9th Street; repealing Sections 27.35.070, 57.59.040, and 27.69.035 and Table 1 within Section 27.69.040 (Off-Premises Signs) of the Lincoln Municipal Code as hitherto existing; amending the Lincoln Airport Zoning Map dated February 25, 2002 to be consistent with Figure 27.35.070(a); and amending the Lincoln Capitol Environs District Height Regulation Map to reflect a 57-foot height requirement west of the Capitol, the second time.

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MISC. NO. 12001 - AMENDING CHAPTER 3.76, LINCOLN DOWNTOWN DESIGN STANDARDS, OF THE CITY OF LINCOLN DESIGN STANDARDS BY AMENDING SECTION 4.1, SITE DEVELOPMENT, AND SECTION 4.2, BUILDING FEATURES, TO ADDRESS EXTERIOR FEATURES OF PROJECTS REQUIRING BUILDING PERMITS IN THE DOWNTOWN. (RELATED ITEMS: 12-43, 12-44, 12R-81) ACTION DATE: 5/21/12)

STREET NAME CHANGE 12001 - RENAMING THAT PORTION OF SOUTH 83RD STREET WHICH EXTENDS SOUTH FROM THE INTERSECTION OF SOUTH 83RD STREET AND WENDELL WAY, AS SOUTH 83RD BAY - CLERK read an ordinance, introduced by DiAnna Schimek, changing the name of that portion of South 83rd Street which extends south from the intersection of South 83rd Street and Wendell Way, to South 83rd Bay, as recommended by the Street Name Committee, the second time.

AMENDING CHAPTER 12.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKS-GENERAL RULES AND REGULATIONS AND TITLE 14 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PROPERTY AND PUBLIC WAYS BY AMENDING SECTION 12.08.010 TO REVISE THE DEFINITION OF "PARK" AND TO ADD A DEFINITION FOR "PARK FACILITY"; AMENDING SECTION 12.08.020 TO INCLUDE WHEELCHAIRS AND OTHER POWER-DRIVEN MOBILITY DEVICES AS ACCEPTABLE VEHICLES TO OPERATE IN AREAS OTHER THAN A ROADWAY; AMENDING SECTION 12.08.070 TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO OCCUPY OR BE PRESENT IN A PARK FACILITY DURING ANY HOURS SAID PARK FACILITY IS NOT OPEN TO THE PUBLIC AND TO PROVIDE THAT THE SIDEWALKS ON CENTENNIAL MALL SHALL BE OPEN TWENTY-FOUR HOURS A DAY; AMENDING SECTION 12.08.170 TO INCLUDE A PROHIBITION AGAINST DESTRUCTION AT PARK FACILITIES; AMENDING SECTION 14.40.050, BUILDINGS IN STREET SPACE, TO PROHIBIT THE ERECTION OF ANY TEMPORARY OR PERMANENT BUILDING OR STRUCTURE, INCLUDING TENTS, UPON ANY PUBLIC GROUND WITHOUT A PERMIT; AMENDING SECTION 14.54.010, DEFINITIONS RELATING TO OCCUPANCY ABOVE OR BELOW PUBLIC PROPERTY TO AMEND THE DEFINITION OF "STRUCTURE"; AND AMENDING SECTION 14.54.020 TO CLARIFY THAT A PERMIT IS REQUIRED WHEN ERECTING EITHER A TEMPORARY OR A PERMANENT BUILDING OR STRUCTURE UNDERNEATH, ON, OR ABOVE PUBLIC GROUND - CLERK read an ordinance, introduced by DiAnna Schimek, amending Chapter 12.08 of the Lincoln Municipal Code relating Parks-General Rules and Regulations and Title 14 of the Lincoln Municipal Code relating to Public Property and Public Ways by amending Section 12.08.010 to revise the definition of "park" and to add a definition for "park facility"; amending Section 12.08.020 to include wheelchairs and other power-driven mobility devices as acceptable vehicles to operate in areas other than a roadway; amending Section 12.08.070 to provide that it shall be unlawful for any person to occupy or be present in a park facility during any hours said park facility is not open to the public and to provide that the sidewalks on Centennial Mall shall be open twenty-four hours a day; amending Section 12.08.170 to include a prohibition against destruction at park facilities; amending Section 14.40.050, Buildings in Street Space, to prohibit the erection of any temporary or permanent building or structure, including tents, upon any public ground without a permit; amending Section 14.54.010, definitions relating to Occupancy Above or Below Public Property to amend the definition of "structure"; amending Section 14.54.020 to clarify that a permit is required when erecting either a temporary or a permanent building or structure underneath, on, or above public ground; and repealing Sections 12.08.010, 12.08.020, 12.08.070, 12.08.170, 14.40.050, 14.54.010, and 14.54.020 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING THE DEDICATION OF CERTAIN CITY OWNED PARCELS GENERALLY IN UNION PLAZA, TRAGO PARK, GOVERNMENT SQUARE, JENSEN PARK NORTH ADDITION, AND HOLLINGSWORTH FOR PARK PURPOSES - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86816 WHEREAS, the City of Lincoln owns several parcels of property located within or adjacent to the City limits that are utilized and maintained by the Parks and Recreation Department but are not formally dedicated as park land, which properties are legally described as follows:

1. Union Plaza: Outlots A, C, D and E, Antelope Valley 2nd Addition, Lincoln, Lancaster County, Nebraska (See the attached Exhibit A);
2. Trago Park: Lot 2, Antelope Valley Addition, Lincoln, Lancaster County, Nebraska, except a 350' by 150' rectangular area starting at a point of beginning at the centerline of T Street extended to the west edge of the 22nd Street ROW, then proceeding 150' west, then 350' south to the centerline of S Street extended, then 150' east to the west edge of the 22nd Street ROW, then 350' north to the point of beginning (See the attached Exhibit B);

3. Government Square: That portion of Lot 2, Old Federal 2nd Addition, Lincoln, Lancaster County, Nebraska, more particularly described as: From a point of beginning at the southeast corner of Lot 2 proceeding 65' north along the west side of the 10th Street ROW, then 100' west, then 65' south to the north edge of the O Street ROW, then 100' east to the point of beginning (See the attached Exhibit C);

4. Jensen Park North Addition: Lot 119, Irregular Tract, located in the Southwest Quarter of Section 23, Township 9 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska (See the attached Exhibit D);

5. Hollingsworth Property: Lot 165 located in the Southwest Quarter of Section 16, Township 9 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska (See the attached Exhibit E); and

WHEREAS, dedication of these parcels of land by the City would further accomplish the goals of the Comprehensive Plan relating to parks, trails and open space and preserve the use of the land as park into the future.

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

That, on behalf of the City of Lincoln, Nebraska, the City Council hereby dedicates the above described properties owned by the City of Lincoln for park purposes.

Introduced by DiAnna Schimek

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

DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES AND A NEW TELEPHONE SYSTEM AND IMPROVEMENTS TO THE CITY'S MUNICIPAL SERVICE CENTER FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86817 A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH (A) THE ACQUISITION, PURCHASE AND INSTALLATION OF (1) LIGHT POLES AND RELATED EQUIPMENT AND (2) A NEW TELEPHONE SYSTEM, AND (B) IMPROVEMENTS TO THE CITY'S MUNICIPAL SERVICE CENTER FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION

BE IT RESOLVED by the Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:

Section 1. Findings.

(a) The City has begun (1) the acquisition and installation of (A) light poles and related equipment for the lighting of streets and (B) a new telephone system, and (2) the construction of improvements to the City's Municipal Service Center (collectively, the "Project") in the current fiscal year to provide for the health, safety and welfare of its residents.

(b) Pursuant to Section 15-201.02, Reissue Revised Statutes of Nebraska, as amended ("Section 15-201.02"), the City is authorized to enter into installment contracts for the purchase of real and personal property, which contracts need not be restricted to a single year and may provide for the purchase of the property in installment payments to be paid over more than one fiscal year.

(c) The City anticipates entering into a lease-purchase agreement (the "Lease Agreement") pursuant to its authority under Section 15-201.02 in connection with the Project to finance all or a portion of the costs of the Project through issuance, sale and delivery of Certificates of Participation in the Lease Agreement (the "COPs").

(d) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the COPs and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder (the "Regulations").

(e) The Regulations govern the City's use of proceeds derived from the sale of the COPs to reimburse "original expenditures" made by the City prior to the authorization of the COPs. Specifically, the Code requires the City to declare its official intent to reimburse original expenditures made in furtherance of the Project not later than 60 days after payment of such original expenditures. The Code requires that tax-exempt obligations be issued, and a reimbursement allocation be made, from the proceeds of those obligations within 18-months after the later of the date the original expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

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(f) It is necessary, desirable, advisable and in the best interests of the City that the requirements of the Regulations be satisfied to preserve the ability of the City to reimburse costs of the Project made by the City from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of this Resolution and Section 1.150-2 of the Regulations, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the execution and delivery of the Lease Agreement and the issuance of the COPs in connection therewith, the interest portion of which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the execution and delivery of the Lease Agreement and the issuance of the COPs, the City is authorized to advance moneys in an amount not to exceed \$7,000,000 for the purposes hereinbefore described.

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the COPs, (ii) "de minimus expenditures" defined under Section 1.150-2(f)(1) of the Regulations, and (iii) "preliminary expenditures" defined under Section 1.150-2(f)(2) of the Regulations, no expenditures made in furtherance of the Project have been paid by the City more than 60 days prior to the adoption of this Resolution.

(c) Payments under the Lease Agreement constituting debt service on the COPs will be paid from the City's General Fund.

(d) The COPs will be issued in the amount, and upon the terms and conditions agreed to between or among the City, the lessor under the Lease Agreement and the purchaser(s) of the COPs, as authorized by the Council at a meeting held for such purpose.

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than the contemplated issuance of the COPs.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an "Authorized Officer") are hereby authorized to take any further action that is necessary to preserve the ability of the City to reimburse original expenditures made in furtherance of the Project from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

(b) The Authorized Officers be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) An Authorized Officer shall be responsible for making the "reimbursement allocations" described in Section 1.150-2 of the Regulations by transferring the appropriate amount of COPs proceeds to the City accounts used to temporarily finance some or all of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the Project and must specifically identify the original expenditure being reimbursed.

Section 4. Ratification. All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City's ability to reimburse expenditures made in furtherance of the Project with the proceeds of the COPs are hereby ratified, confirmed and approved.

Section 5. Effective Dates. This Resolution will be in full force and effect from and after its passage and adoption by the Council and approval by the Mayor.

Section 6. Conflicting Resolutions Repealed. All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by DiAnna Schimek

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND FRED EHRLICH TO PROVIDE ALFALFA BALES FOR THE CITY OF LINCOLN PARKS DEPARTMENT FOR FEED FOR THE ELK AND WHITE TAIL DEER FOR A ONE YEAR TERM WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE YEAR TERMS - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86818 WHEREAS, the City of Lincoln desires to issue an Annual Supply contract for Fred Ehrlich to provide alfalfa bales for the City of Lincoln Parks Department for feed for the elk and white tail deer; and

WHEREAS, the City's Purchasing Agent issued a request for bids, no bids were received, Fred Ehrlich was contacted as the previous vendor for pricing and was selected as the vendor who could provide all the requested supplies; said bid is attached hereto as Attachment "A"; and

WHEREAS, Fred Ehrlich is an employee of the City of Lincoln and he and/or his family has a significant financial interest in the business of supplying alfalfa bales; and

WHEREAS, pursuant to Lincoln Municipal Code § 2.54.030 any officer or employee, as defined in § 2.54.020, shall make known such interest by filing a sworn disclosure statement with the City Clerk; a copy of said disclosure statement is attached thereto as Attachment "B"; and

WHEREAS, Lincoln Municipal Code § 2.54.040 provides that no contract entered into with the interested officer or employee, as defined in § 2.54.020, will 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 bid of Fred Ehrlich to provide alfalfa bales for the City of Lincoln Parks Department for feed for the elk and white tail deer which is attached hereto as Attachment "A" is hereby accepted and approved and the Purchasing Agent is authorized to purchase the same on behalf of the City.

That the Contract Agreement between the City of Lincoln and Fred Ehrlich for the annual supply of alfalfa bales, pursuant to Quote No. 3924, for a one year term with the option to renew for three additional one year terms, 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.

The City Clerk is directed to return one fully executed copy of this resolution to the Purchasing Department.

Introduced by DiAnna Schimek

Seconded by Carroll & 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 NOVARTIS VACCINES AND DIAGNOSTICS, INC. FOR THE ACQUISITION OF VACCINES AS NEEDED FOR A TERM EFFECTIVE UPON EXECUTION BY BOTH PARTIES THROUGH JUNE 30, 2015 - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86819 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Contract Agreement between the City of Lincoln and Novartis Vaccines and Diagnostics, Inc. for the annual supply for vaccines as needed, pursuant to the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) Contract No. MMS11098, for a term effective upon execution by both parties through June 30, 2015, 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 DiAnna Schimek

Seconded by Carroll & 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 3M COMPANY FOR THE SUPPLY AND DELIVERY OF REFLECTIVE SHEETING FOR A TWO YEAR TERM FROM FEBRUARY 1, 2012 THROUGH JANUARY 31, 2014 - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86820 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Contract Agreement between the City of Lincoln and 3M Company for the supply and delivery of Reflective Sheeting, pursuant to State of Nebraska Contract Number 13172 OC, for a term from February 1, 2012 through January 31, 2014, 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 DiAnna Schimek

Seconded by Carroll & 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 CAPITAL TOWING, INC. FOR THE ANNUAL REQUIREMENTS FOR CITY OF LINCOLN TOWING AND STORAGE SERVICES, PURSUANT TO BID NO. 12-006, FOR A FOUR-YEAR TERM WITH AN OPTION TO RENEW FOR ONE ADDITIONAL FOUR-YEAR TERM - PRIOR to reading:

CAMP Moved to Continue Public Hearing three weeks to June 4, 2012.

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

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ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 16 - 30, 2012 - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86821 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 May 1, 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>	
Amy Emshoff	\$598.28	Kimberly Lutz	\$3,000.00
Lee M. Simmons	500.00	State Farm Insurance	
		(Claim #27-7879-983)	3,787.47
		Christopher Wildman	5,377.00
		Mike Furnas	237.12
		Donald D. Welsh	169.00
		Donald Stockley/Matthew	
		Howe/Technical Services	6,615.00

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 DiAnna Schimek

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

AMENDING RESOLUTION NO. A-86318 TO CHANGE THE PORTION OF THE LOCAL GOVERNMENT MISCELLANEOUS EXPENDITURES POLICY REGARDING THE MAYOR'S AWARD OF EXCELLENCE, INCLUDING CHANGES TO THE MONETARY AWARD FROM A U.S. SAVING BOND TO A GIFT CERTIFICATE OF THE SAME MONETARY VALUE FOR THE INDIVIDUAL AND TEAM WINNERS OF THE MONTHLY AND ANNUAL AWARDS - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 12R-82 in the following manner:
1. On Page 9, Line 12, insert the words: or card after the word "certificate".
2. On Page 9, Line 18, insert the words: or card after the word "certificate".
3. On Page 9, Line 21, insert the words: or cards after the word "certificate".
4. On Page 9, Line 22, insert the words: or cards after the word "certificate".

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

CLERK Read the following amended resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86822 WHEREAS, the Local Government Miscellaneous Expenditure Act authorizes the City Council to reimburse expenses incurred by elected and appointed officials, employees, or volunteers; and
WHEREAS, the City Council adopted a formal policy in Resolution No. A-77093 passed November 27, 1995, which resolution has been amended from time to time and most recently by Resolution No. A-86318 on May 2, 2011; and
WHEREAS, this policy governs educational workshops, conferences, training programs, official functions, hearings and meetings, registration fees, mileage, meals and lodging, travel expenditures, recognition dinners, plaques, certificates of achievement, and other miscellaneous expenditures; and
WHEREAS, this policy recognizes the various budget limitations, job assignments, and training needs of departments; and
WHEREAS, this policy needs to be updated to reflect current conditions.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That it hereby adopts the following policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers.

I. EXPENSES FOR EDUCATION, TRAINING, OR TRAVEL

Payment or reimbursement of actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers at educational workshops, conferences, training programs, official functions, hearings, job duties, or meetings whether incurred within or outside of City limits may be reimbursed as herein authorized.

Travel expenses, which are defined as those costs a traveler must pay for conducting City business and which are necessary for the purpose of travel, may be approved by the department head. It is understood that not all expenses are automatically reimbursable even if they are addressed in this resolution. Rather, the reimbursement of expenses may vary between departments and employees within a department as determined by the department head. Nothing herein shall be construed as requiring reimbursement of any meal. Under no circumstances will expenses be reimbursed in excess of those identified in this resolution.

Anyone authorized to travel for the benefit of the City has a responsibility to keep accurate, substantiated cost records, except for meals and tips, and to submit expense statements in accordance with this resolution.

A. TRANSPORTATION EXPENSES

The maximum payable transportation allowance for any motor transportation shall not exceed the actual round-trip cost of coach air fares for that particular trip.

1. Air Travel. The latest rates for air travel from the City of Lincoln will be used in calculating all transportation expenses and allowances. Coach fare shall be used. A traveler shall make reservations through a travel agency and charge the tickets to the City of Lincoln; provided, however, a traveler who wishes to take advantage of electronic tickets, shop for the lowest fare on the Internet, or call airlines directly, will be required to personally pay for the tickets and request reimbursement from the City by submitting proper documentation. The City will not advance money for the purchase of airline tickets.
2. Motor Vehicles - Privately Owned. When the use of a private motor vehicle has been authorized, the owner of the vehicle shall be reimbursed at a mileage rate established by the Mayor in Administrative Regulation No. 4 and as the same may be amended from time to time, for the most direct round-trip route between Lincoln and the place visited. This amount shall not exceed the coach round-trip fare to and from that point and shall be documented by a City mileage reimbursement form. When more than one eligible employee performs such travel in an authorized private motor vehicle, only one eligible employee may obtain reimbursement for transportation. Lodging, meals, and other expenses for employees other than the employee receiving mileage are allowable en route to the destination if the cost does not exceed coach airfare.
3. Local Transportation. Local transportation costs, including such costs as airport limousine and taxi fare (including reasonable tips) may be reimbursed. Expenses for rental cars may be reimbursed when the employee's department head has decided that such rental will serve the best interests of the City. Requests for a rental car must be approved in writing in advance of the trip. Car rentals may be authorized when such rental will be cheaper than taxi fares or when the use of the car permits the traveler to accomplish the purpose of the trip in a more efficient manner.
4. Travel by City Owned Vehicle. A traveler may use a City owned vehicle if the employee's department head has decided that such use will serve the best interests of the City. The traveler may be reimbursed for out-of-pocket expenses, such as gasoline, etc. Receipts must be obtained for all out-of-pocket expenses incurred for a City owned vehicle. Use of the City vehicle shall be restricted to City of Lincoln purposes only, and no private passengers shall be authorized.

B. LIVING EXPENSES

1. Lodging. Hotel and/or motel lodging should be selected well in advance and should be within a reasonable distance from or at the site of the official meeting place. Reimbursement shall be for a single occupancy rate. Detailed receipts for all lodging costs must be secured.
2. Meals. Individuals traveling on City business with an overnight stay will be allowed a daily per diem to cover the cost of meals and tips. The daily per diem amount shall not exceed thirty dollars (\$30.00 - \$7.00 breakfast, \$7.00 lunch, \$16.00 dinner) for most areas in the United States. Other areas in the United States are designated as high-cost areas, qualifying for a daily per diem not to exceed thirty-eight dollars (\$38.00 - \$9.00 breakfast, \$9.00 lunch, \$20.00 dinner). A list of these high-cost areas will be maintained and made available by the City Controller. Each Department's Director will determine whether any reimbursement

shall be made and the amount of the reimbursement to be made (in compliance with the terms and not to exceed the maximums set above). The City will not reimburse employees for any meal provided by the conference or airline. Additionally, the City will not reimburse employees for any meal where there is no overnight stay.

3. Registration Costs. The City will pay in advance, or reimburse an eligible traveler for, the registration fee paid when a receipt for the registration fee is obtained and is included with the travel expense statement. The proper procedure for advance payment of registration is to submit a payment voucher with a copy of the completed registration form or an invoice, payable to the conference, to the Controller's Office in sufficient time to allow a warrant to be drawn and mailed to the conference prior to the deadline for registration.
4. Miscellaneous Expenses. Telephone expenses will be allowed only when necessary for City purposes. Expenses for tips should be included with the transportation and meal per diem.
5. Disallowance of Expenses. All major expenses including transportation (excluding taxi fares), lodging, and registration fees that are not supported by receipts attached to the travel expense statement may be disallowed for reimbursement at the discretion of the City Controller.

C. TRAVEL APPROVAL

When a department head decides that a trip for an employee is essential for City business, the department head may approve such travel. When the trip is to be taken by the department head, approval of the Mayor shall be obtained. Department heads shall be required to submit to the Mayor's Office a semi-annual report outlining travel requests which have been approved for department employees during that semi-annual time period. The semi-annual report shall list the department employees who were approved for travel; the purpose of the travel; and the budget impact resulting from the travel approvals.

D. TRAVEL ADVANCE

Travel advance for expenses will be granted to approved travelers. When a traveler desires an advance of funds, the department shall submit to the City Controller, a standard claim form itemizing estimated expenses. No travel advance may be considered prior to approval as set out in Section C. No advance may be considered prior to reconciliation of any prior travel advance.

E. REIMBURSEMENT PROCEDURES

1. Traveler's Processing of Expenditure Statements

- a. Within ten (10) working days after completion of the authorized travel, the traveler shall complete an itemized travel expense statement, attaching all necessary supporting receipts, and other documentation (noncompliance may result in denial of future advances to an employee). Attached documentation should include at least the following: lodging receipt, auto rental receipt (when authorized by department head), and airline itinerary.
- b. When arrangements are made for airline travel on weekends/Saturdays for purposes of securing lower ticket rates, payment for the hotel and meal costs incurred on the weekend are also authorized as long as the total of the lower airline ticket rate and the weekend hotel/meal costs do not exceed the Sunday/weekday airline ticket costs. It is expected that employees will exercise reasonable judgment to acquire all travel necessities at the lowest reasonable cost to the City. This may include scheduling travel in a way that results in a lower net cost to the City, such as group travel by auto, weekend travel for discount air fares, early ordering of airline tickets for the best discount fares, etc.

2. Departmental Processing of Travel Statement of Expenditures

Department heads or their designees shall examine the traveler's expense statements for proper accounting and documentation. They should insure that all necessary supporting documents and/or statements of explanation are attached before signing the travel expense statement.

3. **Finance Department Audit and Payment**

Upon receipt of the request for funds, the Controller shall perform an audit to insure compliance with this resolution. The City Controller is authorized to request and receive additional information on any and all expenses.

- a. **No Travel Advance Drawn.** When no travel advance has been made, upon verification of an expense statement submitted, the City Controller shall process the payment of funds reimbursing the traveler.
- b. **Travel Advance Drawn.** When a travel advance has been made and the cost of the trip is less than the amount advanced, the traveler shall return the balance of the funds to the City Controller within ten (10) working days after completion of travel. Upon verification of the expense statement by the Controller, a Treasurer's receipt shall be processed to deposit the balance of funds back to the fund from which the original advance was drawn.
- c. **Actual Expenses are Equal to Travel Advance.** When a travel advance has been made and the actual cost of the trip is equal to the amount of the advance, the procedure outlined in the preceding paragraph (b) shall be followed with the exception that no funds shall be returned by the traveler.
- d. **Actual Expenses are More than Travel Advance.** When the travel advance has been made and the actual cost of the trip is more than the amount advanced, then upon approval of the expense statement by the department head and verification by the City Controller, a warrant shall be issued to the traveler.

II. **PLAQUES AND AWARDS**

A. **The Mayor's Award of Excellence**

The Mayor's Award of Excellence recognizes employees who consistently provide outstanding service and work that demonstrates exemplary personal commitment to the City of Lincoln.

1. **Eligibility:**

All employees are eligible except Directors, Mayoral Aides, and elected officials. Individuals or teams of employees are eligible for monthly or annual awards. Entire departments, divisions or sections are not eligible as a team.

2. **Nomination Procedure:**

Employees or teams may be nominated by supervisors, contemporaries, subordinates, and the general public. Nominations shall be submitted by completing the Mayor's Award of Excellence Form. Nomination forms will be available from department heads, the City Personnel Office, or employee bulletin boards or at <http://www.lincoln.ne.gov/city/person/city/index.htm>. Team nominations should be specific as to each member's involvement. Additional supporting documentation such as correspondence relating to the employee's or team's performance by other City employees may be attached. All nominations must be signed by the employee's or team's department head or appropriate designee. Said signature indicates that the nomination has been validated. Nominations that are not validated must be returned to the person making the nomination within thirty (30) days. All completed nomination forms need to be returned to the City Personnel Office by the fifth (5th) day of the month for the following month's award.

3. **Nomination Criteria:**

Employees or teams may be nominated for the award based on any of the following criteria:

- | | |
|---------------------|---|
| Safety: | Practices safety on the job and promotes and encourages others to do the same. |
| Productivity: | Always gives the best of oneself and encourages and promotes co-workers to perform their best. |
| Loss Prevention: | Demonstrates wise use of City resources and makes recommendations that result in substantial savings to the City outside the normal course of expected job functions. |
| Customer Relations: | Represents the City with a positive attitude, takes pride in one's work, and encourages co-workers to do the same. |
| Valor: | Performs an act of bravery, which may include life-saving, above and beyond the call of duty. |

Consideration may also be given to nominations that demonstrate that the accomplishment was self-initiated and/or that the accomplishment was outside of the nominee's job description.

4. **Selection Process:**

All validated nominations will be reviewed by the Mayor's Award of Excellence Committee. The committee may select no more than one (1) individual or team based on selection criteria in this section. Nominees will be eligible for three (3) months. Employees or teams will not be able to receive the monthly award more than once in any consecutive twelve (12) months. If a member of a new team has been previously selected for a monthly award, it will not nullify the team's eligibility to win an award. However, a previous winner cannot receive the monetary award and day off but still can be recognized. A winner will be selected by a majority vote of membership present subject to quorum. An employee or team does not have to receive the Monthly Award to be eligible for the Mayor's Annual Award of Excellence.

5. **Award Recognition:**

All individuals/teams nominated will receive a letter and certificate. All individual monthly winners and team winners (five or less members) will be presented a ~~one hundred dollar (\$100) U.S. Savings Bond (cost fifty dollars (\$50))~~ gift certificate or card valued at fifty dollars (\$50), one day off with pay, and a plaque not to exceed a cost of fifty dollars (\$50). In the event team winners have greater than five members, there will be no monetary award; however, the team members will each receive one day off with pay and a plaque not to exceed a cost of fifty dollars (\$50). The Mayor's Annual Award of Excellence Recipient will receive a ~~five hundred dollar (\$500) U.S. Savings Bond (cost of two hundred fifty dollars (\$250))~~ gift certificate or card valued at two hundred fifty dollars (\$250), two (2) days off with pay, and a plaque not to exceed a cost of one hundred dollars (\$100). When the annual award recipient is a team, the ~~\$500 savings bond~~ \$250 gift certificate or cards will be divided equally among members. When it is impossible to divide the ~~bond gift certificate or cards~~ equally due to purchase increment issue price, the division will be made as close to the ~~\$500 purchase price~~ value as possible, without going over. In the event the team winners have greater than five members, there will be no monetary award. Each team member will receive two days off with pay and a plaque not to exceed a cost of \$100. The Mayor's Annual Award of Excellence committee may recommend Annual Honorable Mention Recipients who would receive a plaque not to exceed a cost of fifty dollars (\$50). Recommendations for the annual award will be forwarded to the Mayor for consideration and approval. All awards will be presented before the City Council. The Mayor's Monthly Award of Excellence may be presented every month and the Mayor's Annual Award of Excellence will be presented once every calendar year. All monetary awards will be considered compensation and subject to normal withholding and all applicable IRS regulations.

6. **Mayor's Award of Excellence Committee:**

The committee is made up of one (1) representative from each union, and a non-union representative appointed by the Mayor. Representatives will be appointed by September thirtieth (30th) of each year. The term of the committee members will be for two (2) years. A committee member shall serve no more than two (2) consecutive terms. If a committee member is unable to complete his/her term, another appointee will finish the term. Three consecutive absences or four (4) absences in a calendar year will result in notification to the respective bargaining unit.

7. **Administration:**

- a. The Personnel Department will oversee the Mayor's Award of Excellence Program.
- b. The City reserves the right to rescind this policy at any time.
- c. This program should not be interpreted as a negotiable item.
- d. The costs incurred to purchase a ~~U.S. Savings Bond~~ the gift certificate and to fund the day(s) off with pay will be charged to the employee's department budget.
- e. The costs incurred to purchase the plaques and awards and other expenditures will be charged to the Personnel Department budget.

- f. An individual or team winner will be chosen every month by the Mayor's Award of Excellence Committee when four or more members are present.

B. Other Plaques and Awards

Employees, appointed officials, and volunteers may be given plaques, certificates of achievement, or items of value provided the cost shall not exceed one hundred dollars (\$100.00) in value, notwithstanding mandated recognition under federal volunteer programs. Such awards shall recognize outstanding service and must be approved in advance by the employee's department head, the Mayor, or by the City Council. Such awards recognizing safety achievements must be approved in advance by the safety committee.

III. MISCELLANEOUS

A. Employee Appreciation - Development Days

Within each calendar year, all departments may conduct an employee development-appreciation day for the purpose of education, planning, and department betterment.

B. Recognition Dinners/Meals

Each year recognition dinners/meals may be held for elected and appointed officials, employees, or volunteers of the local government. The maximum cost per person for such dinner shall not exceed twenty-five dollars (\$25.00). An annual recognition dinner/meal may be held separately for employees of each department or separately for volunteers or any of them in combination.

C. Expenses of Spouses

Nothing in this resolution shall authorize the expenditure of funds to pay for any expenses incurred by the spouse of an elected or appointed official, employee, or volunteer unless the spouse is also an elected or appointed official, employee, or volunteer of the local government and such expenditure has been authorized as set out herein.

D. Meals for Council Members

Authorized expenditures shall not include expenditures for meals of paid members of the City Council while attending a public meeting of the Council unless it is a joint meeting with one or more other governing bodies.

BE IT FURTHER RESOLVED that Resolution No. A-84590 adopted by the City Council on October 22, 2007 as hitherto existing, be and the same is hereby repealed.

Introduced by DiAnna Schimek

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

COMP. PLAN CONFORMANCE NO. 12003 - ADOPTING AND APPROVING THE PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN WHICH AMENDS THE ENTERTAINMENT CENTER/OLD FEDERAL BUILDING REDEVELOPMENT PROJECT TO ADD NEW AREAS, ADD NEW PROJECTS AND TO RENAME AS "ENTERTAINMENT CENTER/OLD FEDERAL BUILDING/RETAIL CORRIDOR REDEVELOPMENT PROJECT" TO INCLUDE ALL RIGHTS-OF-WAY FOR RETAIL REVITALIZATION AND STREET/STREETSCAPE IMPROVEMENTS GENERALLY LOCATED BETWEEN NORTH 7TH STREET AND NORTH 17TH STREET, FROM O TO Q STREETS - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86823 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69713 finding an area generally bounded by "R" Street, 17th Street, "S" Street, and 7th Street to be blighted, and on October 19, 1987, adopted Resolution No.

A-71701 finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, The City Council has previously adopted the Lincoln Center Redevelopment Plan (hereinafter the "Plan") including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said Plan by amending the "Entertainment Center/Old Federal Building Redevelopment Project" to add new areas, add new projects, and to rename the Project as "Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project" for retail revitalization and street/streetscape improvements generally located between North 7th Street and North 17th Street between O Street and Q Street; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan contained in the document entitled "Proposed Amendments to the Lincoln Center Redevelopment Plan (Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project)" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2007); and

REGULAR MEETING

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WHEREAS, on April 20, 2012, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on May 2, 2012 before the Lincoln City - Lancaster County Planning Commission regarding the proposed amendments to the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on May 4, 2012 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on May 14, 2012, regarding the proposed Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on April 27, 2012 and May 4, 2012 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on May 14, 2012 regarding the proposed Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed Amendments to the Lincoln Center Redevelopment Plan to amend the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on May 2, 2012 found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on May 14, 2012 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project into the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the substandard and blighted conditions in the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That the document entitled "Proposed Amendments to the Lincoln Center Redevelopment Plan for the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project" attached hereto as Attachment "A", amending and adding the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project to the Lincoln Center Redevelopment Plan, is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described modifications.

3. That the Redevelopment Project Area for the Entertainment Center/Old Federal Building/Retail Corridor Redevelopment Project as described and depicted in the Plan Amendments is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents needed for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements and other activities set forth in said Plan Amendment to the Lincoln Center Redevelopment Plan.

Introduced by DiAnna Schimek

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

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

AMENDING TITLE 11 OF THE LINCOLN MUNICIPAL CODE, EQUAL OPPORTUNITY, AND CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE, THE CITY'S PERSONNEL RULES AND REGULATIONS, TO PROHIBIT DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY - PRIOR to reading:

ESKRIDGE Moved MTA #1 to amend Bill No. 12-45 in the following manner:

1. On pages 13 and 14, beginning after the period on Page 13, Line 23 through the end of line 4 on Page 14, delete the underlined language and insert in lieu thereof the following:

The provisions concerning discriminatory practices that relate to sexual orientation and gender identity shall not apply to any place of public accommodation owned by or operated on behalf of a religious organization.

2. On page 18, between lines 9 and 10, insert the following:

Section 10.5. That Section 11.06.070 of the Lincoln Municipal be amended to read as follows:

11.06.070 Exceptions; Religious or Private Clubs; Private Homes; Housing for Older Persons.

(a) Nothing in this chapter shall prohibit a religious organization, association, or society or any non-profit institutional organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of a dwelling which it owns or operates for other than commercial purposes to persons of the same religion, or from giving preferences to such persons, unless membership in such religion is restricted on account of race, color, or national origin. The provisions concerning discriminatory practices that relate to sexual orientation and gender identity shall not apply to any sale, rental or occupancy of a dwelling which is owned, leased or operated by or on behalf of a religious organization, association or society, or any non-profit institutional organization acting in conjunction with a religious organization, association or society.

(b) Nothing in this chapter shall prohibit a private club not in fact open to the public, which, as an instance to its primary purpose or purposes, provides lodging, which it owns or operates for other than commercial purposes, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

(c) Nothing in this chapter (except Section 11.06.020(c)) shall prohibit or limit the right of any person or their authorized representative to refuse to rent a room or rooms in such person's own home for any reason, or for no reason, or to change the tenants in such home as often as may be desired; provided, that this exception shall not apply to any person who makes available for rental or occupancy more than four sleeping rooms to a person or a family within such home.

(d) Nothing in this chapter shall limit the applicability of restrictions regarding the maximum number of occupants permitted to occupy a dwelling, and nothing in this chapter regarding familial status shall apply with respect to housing for older persons as defined in Section 11.01.010.

(e) Nothing in this chapter shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by state law.

3. On Page 24, Line 23, between 11.06.065 and 11.08.010, insert "11.06.070."

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

CLERK Read an ordinance, introduced by Carl Eskridge, amending Title 11 of the Lincoln Municipal Code, Equal Opportunity, and Chapter 2.76 of the Lincoln Municipal Code, the City's Personnel Rules and Regulations, to prohibit discrimination on the basis of sexual orientation or gender identity, the third time.

ESKRIDGE Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19711, is recorded in Ordinance Book #27, Page .

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

APPROVING THE FIRST STREET AND HIGHWAY 2 DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN SHARON Y. SCHWARTZ AND MARLYN SCHWARTZ, JEFFREY T. COLSON AND LANETTE COLSON, AND THE CITY OF LINCOLN TO CONDITIONALLY ALLOW THE DEVELOPMENT OF PROPERTY LOCATED AT FIRST STREET AND HIGHWAY 2 (CHENEY) TO BE LIMITED TO MINI-WAREHOUSING SHOULD THE PROPERTY BE RE-ZONED FROM AG AGRICULTURAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT. (RELATED ITEMS: 12R-95, 12-48) (ACTION DATE: 6/4/12)

CHANGE OF ZONE 12005 - APPLICATION OF SHARON SCHWARTZ AND JEFFREY COLSON FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT HIGHWAY 2 AND FIRST STREET (CHENEY) (RELATED ITEMS: 12R-95, 12-48) (ACTION DATE: 6/4/12) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN ENTERPRISE COMPANY INC., WYUKA CEMETERY AND THE CITY OF LINCOLN TO CONDITIONALLY ALLOW AN EXISTING BUILDING TO BE USED FOR RETAIL AND OTHER USES ALLOWED IN THE B-1 DISTRICT SHOULD THE PROPERTY GENERALLY LOCATED AT NORTH 35TH STREET AND O STREET BE RE-ZONED FROM O-2 SUBURBAN OFFICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT. (RELATED ITEMS: 12R-96, 12-49) (ACTION DATE: 6/4/12)

CHANGE OF ZONE 12006 - APPLICATION OF ENTERPRISE COMPANY, INC. FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 35TH STREET AND O STREET (RELATED ITEMS: 12R-96, 12-49) (ACTION DATE: 6/4/12) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 12007 - APPLICATION OF GEICO DEVELOPMENT INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT WEST PLEASANT HILL ROAD AND SOUTH CODDINGTON AVENUE - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPROVING THE FOOD AND BEVERAGE SERVICES AGREEMENT FOR THE PINNACLE BANK ARENA AND RELATED FACILITIES BETWEEN THE CITY OF LINCOLN AND SMG FOOD AND BEVERAGE LLC DBA SAVOR FOR A THREE YEAR TERM COMMENCING SEPTEMBER 1, 2013 WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE YEAR TERM - CLERK read an ordinance, introduced by Jon Camp, approving the Food and Beverage Services Agreement for the Pinnacle Bank Arena and Related Facilities between the City of Lincoln and SMG Food and Beverage LLC dba SAVOR for a three year term commencing September 1, 2013 with the option to renew for one additional three year term, the first time.

APPROVING THE MANAGEMENT AGREEMENT FOR PINNACLE BANK ARENA BETWEEN THE CITY OF LINCOLN AND SMG TO OPERATE AND MANAGE THE PINNACLE BANK ARENA AND OTHER FACILITIES FOR A THREE YEAR TERM COMMENCING SEPTEMBER 1, 2013 WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE YEAR TERM - CLERK read an ordinance, introduced by Jon Camp, approving the Management Agreement for Pinnacle Bank Arena between the City of Lincoln and SMG to operate and manage the Pinnacle Bank Arena and other Facilities for a three year term commencing September 1, 2013 with the option to renew for one additional three year term, the first time.

APPROVING THE FIRST AMENDMENT TO PARKING LOT GROUND LEASE BETWEEN LINCOLN DEPOT LIMITED PARTNERSHIP (LESSOR) AND THE CITY OF LINCOLN (LESSEE) TO REFLECT A REDUCTION IN RENT DUE TO THE JPA'S PURCHASE OF THE PARKING LOTS IN THE LEASE - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the First Amendment to the Parking Lot Ground Lease Agreement between the City of Lincoln and the Lincoln Depot Limited Partnership to Amend the Parking Lot Ground Lease entered into on September 30, 1988 to delete a portion of the property described as Lot 4, Block 1, Lincoln Station Addition, as this property is being purchased by the West Haymarket Joint Public Agency and will no longer be a part of the leased space, the first time.

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

PROVIDING AUTHORITY TO ASSESS PROPERTY OWNERS FOR THE COST OF SNOW AND ICE REMOVAL BY THE CITY FROM SIDEWALKS ADJACENT TO THEIR PROPERTY DURING THE WINTER SEASON OF 2011 - 2012.

OPEN MICROPHONE

Jane Svoboda, address not given, came forward to speak on a matter that had previous public hearing but quickly changed her topic to other matters when Council Chair Hornung advised her that open mic is for new information only.
This matter was taken under advisement.

Wanda Caffrey, LIBA Board Member, came forward to present LIBA's position on Community Learning Centers. She said while they are in support of Lincoln CLC's, LIBA does not support CLC's request for \$1 million from Lincoln taxpayers. It is LIBA's belief that CLC needs to establish itself as an independent, well-managed, transparent and public organization that collaborates with the City and LPS but is independent of both.
This matter was taken under advisement.

Coby Mach, LIBA, suggested using inmate labor to offset costs on the City side. He said low-level offenders are already being utilized at the County level.
This matter was taken under advisement.

REGULAR MEETING

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ADJOURNMENT 5:33 P.M.

CAMP Moved to adjourn the City Council meeting of May 14, 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