

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, APRIL 2, 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

EMERY Having been appointed to read the minutes of the City Council proceedings of March 26, 2012 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF WORLD EATS COMPANY DBA THE PANTRY FOR A CLASS CK LIQUOR LICENSE AT 2548 SOUTH 48TH STREET;

MANAGER APPLICATION OF DOUGLAS B. DAIZE FOR WORLD EATS COMPANY DBA THE PANTRY AT 2548 SOUTH 48TH STREET - Douglas B. Daize, 12950 North 1st Street, Raymond, NE 68428, came forward to take oath and answer questions. Mr. Daize thanked the Council for recognizing former owner, Howard Howser, and responded that he is seeking a new liquor license as part of a plan to update and renovate The Pantry. There are no plans to have a full bar, only to serve beer and wine with food.

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF WATER REVENUE REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$13,000,000 TO REFUND OUTSTANDING WATER REVENUE BONDS OF THE CITY AND RELATED MATTERS;

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF SANITARY SEWER REVENUE REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$44,000,000 TO REFUND OUTSTANDING SANITARY SEWER REVENUE BONDS OF THE CITY AND RELATED MATTERS - Steve Hubka, City Finance Director, came forward to state that the City has an opportunity to take advantage of low interest rates and save a considerable amount of money.

Scott Keene, Ameritas Investment Corps, came forward to state that after a review of all outstanding debt, the City has six bond issues that are good candidates for refunding. The series 2003 sewer bonds were originally issued in July of 2003 and have a final maturity of June, 2028. They are currently outstanding in the amount of \$42,115,000. The bonds are callable June 15th, 2013 at par, without any premium, and the average rate on those bonds is currently 4.92%. The current market allows the City to refund these bonds at a rate closer to 3.10%, which would provide annual savings of approximately \$250,000 per year. Over the life of the issue, that equates to present value savings of approximately \$3,125,000 or 7.75% of the outstanding principle amount of the bond, which is 2.50% above the target minimum level of savings. Because the City would be issuing the bonds more than 90 days prior to the call date, this is an advance refunding. This would use the single advance refunding allowed by the IRS. The series 2002 water bonds were issued in May 2002, with a final maturity of August 2022. They are currently outstanding in the amount of \$12,870,000 and are callable August 2012. Because the City would be issuing these bonds within 90 days of the call date, the water revenue refunding bonds are considered current refunding. The 2002 water bonds are currently outstanding with an average rate of 4.94%. Refunding would result in average interest of 2.5% which provides about \$150,000 per year of savings, or a total of \$1,325,000 on a present value basis, which is over 10%. On a percentage basis, the water revenue refunding is more favorable than the sewer refunding, but in terms of pure dollars and benefits to the ratepayers, the sewer issue is the better candidate. Both of these issues should be sold on a negotiated basis with Ameritas Investment Corp. Refunding is traditionally done through a negotiated process to provide flexibility in timing the financing with the movements in interest rates in order to guarantee that the City will get the best rates and maximize savings. In answer to Council questions, Mr. Keene explained the discrepancy between the outstanding amounts and the requested amounts. The discrepancy is greater with the 2003 sewer bonds due to funding the costs of issuance and an escrow account. Because this is an advanced refunding and the bonds will not be called until 2013, the proceeds of this issue will be deposited into the escrow account in U.S. Government Treasury Securities and the income will be pulled off to make the payments on the old bonds. The City is only able to earn what the U.S. Government Treasuries will allow, so to make up that difference, more equity is required in the account. That is the reason the bond issue is sized up. It also provides for the possibility that the bonds might be sold with original issue discounts. An analysis showed that the

REGULAR MEETING

April 2, 2012

Page 756

expected size of the issue likely going to be around 41 million dollars, not 44, but that flexibility must be built in. The 3.1 million dollars in present value savings reflects true savings to the City, after paying all of the costs of the issuance of the bonds and the payment of the negative carry in the escrow account. Administrative costs could be nearly 2%.

Mr. Hubka came forward to respond that the budget will be scrutinized and it is estimated that rates will increase approximately 1% less than they otherwise would have due to these savings.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATIONS OF "FIREFIGHTER PARAMEDIC," "FIREFIGHTER" AND "FIRE APPARATUS OPERATOR" - Doug McDaniel, Director of Personnel, came forward to explain the amendment to Article 38, which provides for reassignment to administration, training and maintenance divisions. Employees shift from a 56 hour work week to a 40 hour work week; therefore, it is necessary to create these classes and restate their pay ranges. In answer to council questions, Mr. McDaniel explained that there is no actual change in salary occurring. He stated that even though these employees are working fewer hours for the same rate of pay, this change would not be called a pay increase by the contractual obligations.

This matter was taken under advisement.

APPROVING AMENDMENT NO. 3 TO THE WOODLANDS AT YANKEE HILL CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN LEWIS-STAROSTKA, INC., 3AP-SE, LLC, MIDWEST NET LEASE INVESTORS-SE, LLC, CALRUBY, LLC, AND THE CITY OF LINCOLN, NEBRASKA TO DEFER THE TIMING OF CONSTRUCTION OF THE YANKEE HILL ROAD ARTERIAL STREET IMPACT FEE FACILITY IMPROVEMENTS ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD FROM DECEMBER 31, 2012 TO DECEMBER 31;

ANNEXATION NO. 11005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 36 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 70TH STREET AND YANKEE HILL ROAD;

CHANGE OF ZONE 05068B - APPLICATION OF R.C. KRUEGER DEVELOPMENT TO AMEND THE WOODLANDS AT YANKEE HILL PLANNED UNIT DEVELOPMENT TO ADD APPROXIMATELY 36 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 70TH STREET AND YANKEE HILL ROAD AND APPROVE A CHANGE OF ZONE OVER SAID 36 ACRES FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT UNDER A PLANNED UNIT DEVELOPMENT DESIGNATION IN ORDER TO ADD APPROXIMATELY 265,000 SQ. FT. OF COMMERCIAL FLOOR AREA UNDER THE PLANNED UNIT DEVELOPMENT - Mark Hunzeker, Baylor Evnen, 600 Wells Fargo Center, 1248 O St., representing Krueger Development Inc., came forward to explain that this is a continuation of the overall plan that was approved in 2006 for the Woodlands at Yankee Hill and to answer questions.

This matter was taken under advisement.

DESIGNATING KIMBERLY TAYLOR-RILEY, DIRECTOR, COMMISSION ON HUMAN RIGHTS AND EQUAL OPPORTUNITY OFFICER AS THE CITY'S ADA/SECTION 504 COORDINATOR FOR PURPOSES OF THE CITY'S ADA/SECTION 504 CIVIL RIGHTS POLICY;

DESIGNATING KIMBERLY TAYLOR-RILEY, DIRECTOR, COMMISSION ON HUMAN RIGHTS AND EQUAL OPPORTUNITY OFFICER AS THE CITY'S TITLE VI COORDINATOR FOR PURPOSES OF THE CITY'S TITLE VI CIVIL RIGHTS PLAN - Rod Confer, City Attorney, came forward to introduce Ms. Taylor-Riley. Council previously approved designation of an equal opportunity officer to comply with Federal and State rules on equal opportunity. Milo Mumgaard served in that capacity on an interim basis. Kimberly Taylor-Riley has been hired as the Director of Equity and Diversity and will now take on these duties.

Kimberly Taylor-Riley came forward to introduce herself, give her professional background as it pertains to her new position, and expressed excitement to begin working for the City.

This matter was taken under advisement.

APPROVING THE TAX-EXEMPT FINANCING COMPLIANCE PROCEDURE OF THE CITY - Steve Hubka came forward to briefly introduce this issue, which would establish and formalize procedures.

Lauren Wismer, Gilmore & Bell, 1248 O St., Ste. 710, stated that recently there has been more activity and scrutiny on the part of the Internal Revenue Service and the Securities and Exchange Commission with respect to municipal obligations. Form 8038G lets the IRS know every time the City does a tax exempt financing. At the end of last year, this form was revised. It now specifically asks if tax exempt financing compliance procedures are in place to state exactly what the City will do regarding outstanding tax exempt and otherwise tax advantaged bonds. The tax exempt financing compliance procedures have been prepared and need Council approval so that the requirements of regulatory agencies are met. In response to Council questions, Mr. Wismer explained that there is currently no formal requirement for a compliance officer.

Mr. Hubka stated that these procedures will place some additional burden on staff, especially in the first year, but it is not necessary to add more staff at this time.

This matter was taken under advisement.

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$183,569.00 IN TIF FUNDS FOR CONSTRUCTION OF SIDEWALKS, STREET REHAB AND STREET LIGHTS ON YOLANDE AVENUE AND 20TH STREET IN THE YOLANDE AVENUE REDEVELOPMENT AREA - David Landis, Director of Urban Development, came forward to state that this is the final step in a project with manufacturer PCE Incorporated, whose corporate headquarters were recently constructed on Yolande Street. Because they host Fortune 500 companies, they expressed concern over the rough condition of North 20th Street. Instead of using normal street funds, it was decided it would be best to use a small TIF to create the taxes on that manufacturing headquarters in order to assist in making the street repairs. Everything has been approved by the Council except for this change in the CIP budget. In response to Council questions, Mr. Landis stated that it is common to use TIF projects for sidewalks and streetscape and this project is within the context of the Community Redevelopment Law. The dollar amount covers the work plus a 15% contingency. The project is for public benefit and does not go to the bottom line of a private company. He added that there is a great deal of sensitivity on the part of the Council to keep Lincoln business friendly. The company has agreed not to protest the incremental increase in their valuation so there is an expectation that can be relied upon for the purpose of creating a bonding responsibility against that income stream for as long as it will be necessary. If the County Assessor did not increase its valuation, then the City would come up short, but that is a highly unlikely situation because this is a significant new building on a formerly empty lot. This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED FEBRUARY 29, 2012 - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption:

A-86742 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended February 29, 2012, \$146,715.13 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jon Camp

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

REPORT FROM THE CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS FEBRUARY 29, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 19, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, APRIL 16, 2012 AT 3:00 P.M. FOR THE APPLICATION OF CHAD WINTERS, ROGER TOY AND CHRISTOPHER VORHIES DBA IDEAL GROCERY AND MARKET FOR A CLASS C LIQUOR LICENSE LOCATED AT 905 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption:

A-86743 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 16, 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 Chad Winters, Roger Toy and Christopher Vorhies dba Ideal Grocery and Market Class C liquor license located at 905 South 27th 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 Emery and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, APRIL 16, 2012 AT 3:00 P.M. FOR THE APPLICATIONS OF MO CHARA DBA THE WATERING HOLE FOR A CLASS C LIQUOR LICENSE LOCATED AT 1321 O STREET, THE WATERING HOLE WEST FOR A CLASS C LIQUOR LICENSE LOCATED AT 1550 SOUTH CODDINGTON, CLIFF'S LOUNGE FOR A CLASS C LIQUOR LICENSE LOCATED AT 1323 O STREET, AND CLIFF'S MARTINI LOUNGE FOR A CLASS C LIQUOR LICENSE LOCATED AT 5310 SOUTH 56TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption:

A-86744 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 16, 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 applications of Mo Chara LLC dba: The Watering Hole Class C liquor license located at 1321 O Street; The Watering Hole West

REGULAR MEETING

April 2, 2012

Page 758

Class C liquor license located at 1550 South Coddington; Cliff's Lounge Class C liquor license located at 1323 O Street; Cliff's Martini Lounge Class C liquor license located at 5310 South 56th 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 Emery and 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. 11065 to Use Permit No. 149, Stone Ridge Estates, approved by the Planning Director on March 9, 2012, requested by Ridge Development Company and Northern Lights, LLC, to revise the site plan modifying the lot layout of Block 1 to show one large 133,000 square feet of grocery/retail use building instead of three smaller pad sites of commercial uses, on property generally located at S. 27th St. and Grainger Parkway.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF WORLD EATS COMPANY DBA THE PANTRY FOR A CLASS CK LIQUOR LICENSE AT 2548 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption for approval:

A-86745 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 World Eats Company dba The Pantry for a Class "CK" liquor license at 2548 South 48th Street, Lincoln, Nebraska, for the license period ending October 31, 2012, be approved with the condition that:

1. The applicant obtains a valid special permit, including the parking requirements.
2. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.
3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF DOUGLAS B. DAIZE FOR WORLD EATS COMPANY DBA THE PANTRY AT 2548 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption for approval:

A-86746 WHEREAS, World Eats Company dba The Pantry located at 2548 South 48th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Douglas B. Daize be named manager;

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

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

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

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATIONS OF "FIREFIGHTER PARAMEDIC," "FIREFIGHTER" AND "FIRE APPARATUS OPERATION" - CLERK read an ordinance, introduced by DiAnna Schimek, amending Section 1 of Ordinance No. 18970 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "F," by creating the job classifications of "Firefighter Paramedic (2080 Hours)," "Firefighter (2080 Hours)," and "Fire Apparatus Operator (2080 Hours)," the second time.

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

ANNEXATION NO. 11005 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 36 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 70TH STREET AND YANKEE HILL ROAD (RELATED ITEMS: 12R-54, 12-28, 12-29) (ACTION DATE: 4/9/12) - CLERK read an ordinance, introduced by DiAnna Schimek, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

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

PUBLIC HEARING - RESOLUTIONS

DESIGNATING KIMBERLY TAYLOR-RILEY, DIRECTOR, COMMISSION ON HUMAN RIGHTS AND EQUAL OPPORTUNITY OFFICER AS THE CITY'S ADA/SECTION 504 COORDINATOR FOR PURPOSES OF THE CITY'S ADA/SECTION 504 CIVIL RIGHTS POLICY - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86747 WHEREAS, the City Council of the City of Lincoln, Nebraska adopted Resolution No. A-85840 on May 10, 2010 which resolution adopted and bound the City to comply with all applicable Federal law, all applicable State law, and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, relating to the City ADA/Section 504 - Civil Rights Policy of the City of Lincoln; and

WHEREAS, the ADA/Section 504 - Civil Rights Policy of the City of Lincoln adopted by Resolution A-85840 designated Larry Williams as the City's ADA/Section 504 Coordinator by virtue of his position as Equal Employment Officer for the City; and

WHEREAS, Resolution No. 85840 was amended by Resolution No. A-86114 adopted by the City Council on November 15, 2010, replacing Larry Williams as the ADA/Section 504 Coordinator and designating Administrative Assistant to the Mayor Milo Mumgaard as interim ADA/Section 504 Coordinator; and the City of Lincoln desires to continue to participate in federal aid transportation construction programs; and

WHEREAS, Kimberly Taylor-Riley has been hired as the Director, Commission on Human Rights and Equity and Diversity to serve as the City's Equal Opportunity Officer and it is, therefore, necessary to designate her as the replacement for Milo Mumgaard as the ADA/Section 504 Coordinator.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that Kimberly Taylor-Riley, Director, Commission on Human Rights and Equal Opportunity Officer, is hereby designated as the City's ADA/Section 504 Coordinator for purposes of its ADA/Section 504 Policy.

REGULAR MEETING

April 2, 2012

Page 760

BE IT FURTHER RESOLVED that the City Clerk is directed to return a copy of this Resolution to Don W. Taute, in the Law Department, for transmittal to the Nebraska Department of Roads, Civil Rights Compliance Officer.

Introduced by DiAnna Schimek

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

DESIGNATING KIMBERLY TAYLOR-RILEY, DIRECTOR, COMMISSION ON HUMAN RIGHTS AND EQUAL OPPORTUNITY OFFICER AS THE CITY'S TITLE VI COORDINATOR FOR PURPOSES OF THE CITY'S TITLE VI CIVIL RIGHTS PLAN - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86748 WHEREAS, the City Council of the City of Lincoln, Nebraska adopted Resolution No. A-85839 on May 10, 2010 which resolution adopted and bound the City to comply with all applicable Federal law, all applicable State law, and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, and the Title VI Civil Rights Plan of the City of Lincoln; and

WHEREAS, the Title VI Civil Rights Plan adopted by Resolution A-85839 designated Larry Williams as the City's Title VI Coordinator by virtue of his position as Equal Employment Officer for the City; and

WHEREAS, Resolution No. 85839 was amended by Resolution No. A-86115 adopted by the City Council on November 15, 2010, replacing Larry Williams as the Title VI Coordinator and designating Administrative Assistant to the Mayor Milo Mumgaard as interim Equal Employment Officer, as the Title VI Coordinator; and the City of Lincoln desires to continue to participate in federal aid transportation construction programs; and

WHEREAS, Kimberly Taylor-Riley has been hired as the Director, Commission on Human Rights and Equity and Diversity to serve as the City's Equal Opportunity Officer and it is, therefore, necessary to designate her as the replacement for Milo Mumgaard as the Title VI Coordinator.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that Kimberly Taylor-Riley, Director, Commission on Human Rights and Equal Opportunity Officer, is hereby designated as the City's Title VI Coordinator for purposes of its Title VI Civil Rights Plan.

BE IT FURTHER RESOLVED that the City Clerk is directed to return a copy of this Resolution to Don W. Taute, in the Law Department, for transmittal to the Nebraska Department of Roads, Civil Rights Compliance Officer.

Introduced by DiAnna Schimek

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

APPROVING THE TAX-EXEMPT FINANCING COMPLIANCE PROCEDURE OF THE CITY - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86749 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Tax-Exempt Financing Compliance Procedure with respect to debt obligations, the proceeds of which are to be loaned or otherwise made available to the City, and the interest on which is excludable from gross income for federal income tax purposes or is afforded a federal income tax credit or interest subsidy from the U.S. Treasury Department, which is attached hereto and marked as Attachment "A", is hereby approved and the Mayor is authorized to execute and same on behalf of the City of Lincoln, Nebraska.

Introduced by DiAnna Schimek

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

AMENDING THE FY 11/12 CIP TO AUTHORIZE AND APPROPRIATE \$183,569.00 IN TIF FUNDS FOR CONSTRUCTION OF SIDEWALKS, STREET REHAB AND STREET LIGHTS ON YOLANDE AVENUE AND 20TH STREET IN THE YOLANDE AVENUE REDEVELOPMENT AREA - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

A-86750 WHEREAS, Resolution No. A-86471, adopted by the City Council of Lincoln, Nebraska on August 22, 2011, adopted the fiscal year 2011-2012 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-86471 as Schedule No. 5; and

WHEREAS, Resolution No. A-86471 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, Resolution No. A-86597, adopted by the City Council for the City of Lincoln, approved the Yolande Avenue Redevelopment Project as an approved project; and

WHEREAS, a capital improvement project for the Yolande Avenue Redevelopment Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2011-2012; and

WHEREAS, the City desires to amend the first year (2011-2012) of the Fiscal Year 2011/2012 - 2016/2017 Six Year Capital Improvement Program (CIP) to establish a project for the Yolande Avenue Redevelopment Project, and establish appropriations for that project; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report

or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has reviewed the Yolande Avenue Redevelopment Project as a capital improvement project for conformity or nonconformity with the Comprehensive Plan as part of the review of the Yolande Avenue Redevelopment Plan approved by Resolution No. A-86597; and

WHEREAS, the Planning Commission found the proposed Redevelopment Project to be in conformity with the Comprehensive Plan.

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

That the implementation of the Yolande Avenue Redevelopment Project for street rehabilitation and sidewalk construction on Yolande Avenue and 20th Street, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-86471 be amended by adding the Yolande Avenue Redevelopment Project to the Urban Development Department's list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$183,569 from Tax Increment Financing for this Yolande Avenue Redevelopment Project.

Introduced by DiAnna Schimek

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

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

ANNEXATION NO. 12001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 59 ACRES GENERALLY LOCATED WEST OF NORTH 14TH STREET BETWEEN MORTON STREET AND HILLTOP ROAD - CLERK read an ordinance, introduced by Adam Hornung, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

HORNUNG Moved to pass the Ordinance as read.

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

The ordinance, being numbered #19693, is recorded in Ordinance Book 27, Page .

CHANGE OF ZONE NO. 3310A - DESIGNATING THE HAYMARKET PARK SIGN DISTRICT AS AN OVERLAY SPECIAL SIGN DISTRICT AND AMENDING THE EXISTING HAYMARKET PARK SPECIAL SIGN DISTRICT TO EXPAND THE AREA OF THE DISTRICT; TO CLARIFY THAT SIGNAGE WILL BE IN ACCORDANCE WITH THE I-1 INDUSTRIAL DISTRICT; TO ALLOW AN ADDITIONAL SIGN AS PART OF THE SPECIAL SIGN PACKAGE; AND TO CLARIFY THAT OFF-PREMISES SIGNS WILL NOT BE PERMITTED, ON PROPERTY GENERALLY LOCATED AT NORTH 6TH STREET AND CHARLESTON STREET, BETWEEN I-180 AND SUN VALLEY BOULEVARD - CLERK read an ordinance, introduced by Adam Hornung, designating the Haymarket Park Sign District as an Overlay Special Sign District on property generally located at North 6th Street and Charleston Street, between I-180 and Sun Valley Boulevard, in accordance with the provisions of §27.69.300 of the Lincoln Municipal Code and adopting special criteria for signs in said district, the third time.

HORNUNG Moved to pass the Ordinance as read.

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

The ordinance, being numbered #19694, is recorded in Ordinance Book 27, Page .

CHANGE OF ZONE NO. 11044 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-7 RESIDENTIAL DISTRICT, FROM R-7 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT, AND FROM P PUBLIC USE DISTRICT AND I-1 INDUSTRIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 16 STREET BETWEEN R STREET AND VINE STREET AND AT NORTH 17TH STREET AND VINE STREET - PRIOR to reading:

HORNUNG Moved to amend Bill No. 12-27 in the following manner:

1. On page 2, delete lines 11-14, being all of paragraph 2 under Section 2.

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

CLERK Read an ordinance, introduced by Adam Hornung, 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 third time.

HORNUNG Moved to pass the Ordinance as amended.

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

The ordinance, being numbered #19695, is recorded in Ordinance Book #27, Page .

REGULAR MEETING

April 2, 2012

Page 762

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

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

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

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

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

AUTHORIZING AND SUPPORTING THE APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO ASSIST WITH FUNDING THE CONSTRUCTION OF THE STONEBRIDGE TRAIL CONNECTING THE NORTH 14TH STREET TRAIL AT 14TH AND HUMPHREY WITH THE ALVO ROAD TRAIL AT 13TH AND ALVO ROAD.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$36,715.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES (ROUND 35).

OPEN MICROPHONE - NONE

ADJOURNMENT 3:39 P.M.

CAMP Moved to adjourn the City Council meeting of April 2, 2012.
Seconded by Schimek & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

Joan E. Ross, City Clerk

Amy H. Huffman, Senior Office Assistant