

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, DECEMBER 19, 2005 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Svoboda; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Newman; City Clerk, Joan E. Ross.

Council Chair Svoboda asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

ESCHLIMAN Having been appointed to read the minutes of the City Council proceedings of December 12, 2005, reported having done so, found same correct.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

**PUBLIC HEARING**

MANAGER APPLICATION OF KEITH DRAGOO FOR RED ROBIN INTERNATIONAL, INC. DBA RED ROBIN AMERICA'S GOURMET BURGERS & SPIRITS AT 2707 PINE LAKE ROAD - Keith Dragoo, 5740 NW 10<sup>th</sup> Street, took oath and came forward for approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF MARTI'S, INC. DBA MARTI'S BAR AND GRILL FOR A CLASS C LIQUOR LICENSE AT 1409 O STREET;

MANAGER APPLICATION OF MIKE FIGUEROA FOR MARTI'S, INC. DBA MARTI'S BAR AND GRILL AT 1409 O STREET - Matthew Carberry, 1409 "O" Street, took oath and came forward for approval.

This matter was taken under advisement.

APPLICATION OF BUGEATER INVESTMENTS, INC. DBA THE WATERING HOLE WEST FOR A CLASS C LIQUOR LICENSE AT 1550 CODDINGTON AVE., SUITE P;

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR BUGEATER INVESTMENTS, INC. DBA THE WATERING HOLE WEST AT 1550 CODDINGTON AVE., SUITE P - Daniel Klaus, 1201 Lincoln Mall, Suite #102, took oath and came forward for approval.

This matter was taken under advisement.

CHANGE OF ZONE NO. 05026A - APPLICATION OF APPLE'S WAY LLC AND UNO PROPERTIES TO AMEND THE APPLE'S WAY PLANNED UNIT DEVELOPMENT TO ADJUST SETBACKS AND THE MAXIMUM HEIGHT IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS AREA, ON PROPERTY LEGALLY DESCRIBED AS A PORTION OF OUTLOT E, COUNTRY MEADOWS, AND LOTS 36, 88, 123, 155 AND 156 I.T., ALL LOCATED IN SECTION 16-9-7, LANCASTER COUNTY, NEBRASKA, GENERALLY LOCATED AT S. 66TH STREET AND HIGHWAY 2;

PRELIMINARY PLAT 05016 - APPEAL OF APPLE'S WAY LLC AND UNO PROPERTIES INC. TO AMEND CONDITION 1.1.4 AND CONDITION 1.2.2 FOR 32 RESIDENTIAL LOTS IN THE R-1 RESIDENTIAL DISTRICT AND 10 LOTS IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT S. 66TH STREET AND HIGHWAY 2 - Tom Huston, 233 S. 13<sup>th</sup> Street, Suite 1900, came forward representing the applicants to answer questions. Discussion followed.

Newman requested to clarify for the record: Please explain the waiver instead of the 50 foot setback from B-2 to the R-1 and AGR that it is 30 feet that only impacts your own internal development.

Mr. Huston stated: Our own internal development, correct. It is our residential and our B-2 Commercial, correct.

Ray Hill, Planning Dept., came forward to answer questions.

Dana Roper, City Attorney, came forward to answer questions.

This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT PER CITY ORDINANCE WHEN FUNDING APPROPRIATIONS COME FROM MORE THAN ONE FISCAL YEAR CIP FOR O STREET RECONSTRUCTION FROM 45TH TO 52ND STREET, CITY PROJECT NO. 701780, WHICH INCLUDES RECONSTRUCTION OF 48TH STREET BETWEEN M AND R STREETS - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Armstrong Interiors, to request Council to take action allowing access to the business off of R Street. Discussion followed.

Dana Roper, City Attorney, came forward to state that a provision could be inserted or make sure there is an understanding from Public Works that driveways would not be closed until desired steps by Council are taken. Further discussion followed.

Thomas Shafer, Design & Construction Manager for Public Works & Utilities, came forward to express his concerns about construction delays that would affect O Street and 48<sup>th</sup> Street businesses. Further discussion followed.

Karl Fredrickson, Public Works & Utilities Dept., came forward to answer questions. Further discussion followed.

This matter was taken under advisement.

COMP. PLAN AMENDMENT NO. 05011 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN BY CHANGING APPROXIMATELY 14 ACRES OF PUBLIC/SEMI-PUBLIC AND GREEN SPACE TO COMMERCIAL USE, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N. 84TH STREET AND HAVELOCK AVE.;

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE LANCASTER COUNTY AGRICULTURAL SOCIETY ASSOCIATED WITH THE SOCIETY'S REQUEST FOR A COMPREHENSIVE PLAN AMENDMENT DESIGNATING APPROXIMATELY 14.4 ACRES GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 84TH STREET AND HAVELOCK AVENUE AS COMMERCIAL - Bill Austin, 301 S. 13<sup>rd</sup> St., Suite 400, attorney on behalf of the Lancaster County Agricultural Society came forward and stated this should be looked at as a land use issue separate from the Area Task Force concerns or decision. As a political subdivision, the Agriculture Society is entitled to move forward with its plan. Discussion followed.

Reynold McMeen, 5010 S. 72<sup>nd</sup> St., representing Misty's Restaurant in Havelock, came forward in support. Further discussion followed.

Dick Campbell, 7000 S. 56<sup>th</sup> St., chair of the Mayor's Arena Task Force for Lincoln, came forward in support. Further discussion followed.

Alan Wood, 301 S. 13<sup>th</sup> St., member of the subgroup of the Agricultural Exposition Study Group of the Task Force, came forward in support. He stated that in their opinion the Agricultural Society sign is legal from a city standpoint because of being a political subdivision; but illegal if fixed off-site advertising panels are attached. Further discussion followed.

Marvin Krout, Director of Planning, came forward to answer Council questions and to recommend putting this issue on pending for six months following the completion of the Task Force recommendation. Further discussion followed.

Dana Roper, City Attorney, came forward to answer Council questions. Further discussion followed.

Tom Lorenz, General Manager of Pershing Center, came forward to answer Council questions. Further discussion followed.

Mr. Austin came forward in rebuttal.

This matter was taken under advisement.

USE PERMIT NO. 33D - APPLICATION OF SENHOC PROPERTIES LLC TO PERMIT A SIGN WITHIN THE O-3 OFFICE PARK DISTRICT THAT DOES NOT IDENTIFY THE NAME OF THE OFFICE PARK, ON PROPERTY GENERALLY LOCATED AT HAVERFORD DRIVE AND L STREET - Larry Albers, 6710 L Street, attorney representing the applicant, came forward in support. Discussion followed.

This matter was taken under advisement.

**\*\* END OF PUBLIC HEARING \*\***

TOOK BREAK 3:55 P.M.

RECONVENED 4:15 P.M.

**MISCELLANEOUS - NONE**

## **COUNCIL ACTION**

### **LIQUOR RESOLUTIONS**

MANAGER APPLICATION OF KEITH DRAGOO FOR RED ROBIN INTERNATIONAL, INC. DBA RED ROBIN AMERICA'S GOURMET BURGERS & SPIRITS AT 2707 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83679 WHEREAS, Red Robin International, Inc. dba Red Robin America's Gourmet Burgers & Spirits located at 2707 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Keith Dragoo be named manager;

WHEREAS, Keith Dragoo 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 Keith Dragoo 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 Newman & carried by the following vote: AYES: Camp, Cook, Marvin, McRoy, Newman, Svoboda; NAYS: Eschliman.

APPLICATION OF MARTI'S, INC. DBA MARTI'S BAR AND GRILL FOR A CLASS C LIQUOR LICENSE AT 1409 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83680 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 Marti's, Inc. dba "Marti's Bar and Grill" for a Class "C" liquor license at 1409 "O" Street, Lincoln, Nebraska, for the license period ending October 31, 2006, be approved with the condition that the premise complies 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 Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF MIKE FIGUEROA FOR MARTI'S, INC. DBA MARTI'S BAR AND GRILL AT 1409 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83681 WHEREAS, Marti's, Inc. dba "Marti's Bar and Grill" located at 1409 "O" Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Mike Figueroa be named manager;

WHEREAS, Mike Figueroa 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 Mike Figueroa 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 Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF BUGEATER INVESTMENTS, INC. DBA THE WATERING HOLE WEST FOR A CLASS C LIQUOR LICENSE AT 1550 CODDINGTON AVE., SUITE P - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83682 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 Bugeater Investments, Inc. dba "The Watering Hole West" for a Class "C" liquor license at 1550 Coddington Avenue, Suite P, Lincoln, Nebraska, for the license period ending October 31, 2006, be approved with the condition that the premise complies 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 Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF BRYAN A. MCFARLAND FOR BUGEATER INVESTMENTS, INC. DBA THE WATERING HOLE WEST AT 1550 CODDINGTON AVE., SUITE P - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83683 WHEREAS, Bugeater Investments, Inc. dba "The Watering Hole West" located at 1550 Coddington Avenue, Suite P, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Bryan A. McFarland be named manager;

WHEREAS, Bryan A. McFarland appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Bryan A. McFarland be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

#### ORDINANCES - 2<sup>ND</sup> READING & ASSOCIATED RESOLUTIONS

CHANGE OF ZONE NO. 05026A - APPLICATION OF APPLE'S WAY LLC AND UNO PROPERTIES TO AMEND THE APPLE'S WAY PLANNED UNIT DEVELOPMENT TO ADJUST SETBACKS AND THE MAXIMUM HEIGHT IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS AREA, ON PROPERTY LEGALLY DESCRIBED AS A PORTION OF OUTLOT 3, COUNTRY MEADOWS, AND LOTS 36, 88, 123, 155 AND 156 I.T., ALL LOCATED IN SECTION 16-9-7, LANCASTER COUNTY, NEBRASKA, GENERALLY LOCATED AT S. 66<sup>TH</sup> STREET AND HIGHWAY 2. (RELATED ITEMS: 05-185, 05R-297) - CLERK read an ordinance, introduced by Robin Eschliman, amending the Apple's Way Planned Unit Development to adjust setbacks and the maximum height in the B-2 Planned Neighborhood Business Area, on property generally located at S. 66<sup>th</sup> Street and Highway 2, and legally described as a portion of Outlot E, Country Meadows, and Lots 36, 88, 123, 155, and 156 I.T., all located in Section 16, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska, the second time.

PRELIMINARY PLAT 05016 - APPEAL OF APPLE'S WAY LLC AND UNO PROPERTIES INC. TO AMEND CONDITION 1.1.4 AND CONDITION 1.2.2 FOR 32 RESIDENTIAL LOTS IN THE R-1 RESIDENTIAL DISTRICT AND 10 LOTS IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT S. 66<sup>TH</sup> STREET AND HIGHWAY 2. (ACTION DATE 1/9/06)

#### RESOLUTIONS

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT PER CITY ORDINANCE WHEN FUNDING APPROPRIATIONS COME FROM MORE THAN ONE FISCAL YEAR CIP FOR O STREET RECONSTRUCTION FROM 45TH TO 52ND STREET, CITY PROJECT NO. 701780, WHICH INCLUDES RECONSTRUCTION OF 48TH STREET BETWEEN M AND R STREETS - PRIOR to reading:

CAMP Moved to amend Bill No. 05R-300 to insert at Line 12, after the Project No. 701780: The curb cut at 48<sup>th</sup> & R shall stay open on the R Street side.

Seconded by Newman & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy; NAYS: Cook, Newman, Svoboda.

CLERK Read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83684 WHEREAS, The City of Lincoln desires to enter into contract(s) for the street improvement project that provides for reconstruction of O Street from 45th to 52nd Streets and 48th Street from M to R Street, City Project No. 701780; and

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

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

That the Mayor is authorized to execute a contract between the City and the recommended, lowest bid contractor for reconstruction of O Street from 45th to 52nd Streets and 48th Street from M to R Street, City Project No. 701780. The curb cut at 48th & R shall stay open on the R Street side. The Mayor is authorized to execute the contract upon recommendation by the Director of Public Works' review and approval of reasonable bids being received.

The City Clerk is directed to return one fully executed copy of this Resolution to the Public Works and Utilities Department, for department records.

Introduced by Robin Eschliman

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

COMP. PLAN AMENDMENT NO. 05011 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN BY CHANGING APPROXIMATELY 14 ACRES OF PUBLIC/SEMI-PUBLIC AND GREEN SPACE TO COMMERCIAL USE, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N. 84TH STREET AND HAVELOCK AVE. - PRIOR to reading:

COOK Moved to place Bill No. 05R-301 on pending indefinitely.

Seconded by Marvin & carried by the following vote: AYES: Cook, Marvin, McRoy, Newman; NAYS: Camp, Eschliman, Svoboda.

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE LANCASTER COUNTY AGRICULTURAL SOCIETY ASSOCIATED WITH THE SOCIETY'S REQUEST FOR A COMPREHENSIVE PLAN AMENDMENT DESIGNATING APPROXIMATELY 14.4 ACRES GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 84TH STREET AND HAVELOCK AVENUE AS COMMERCIAL - PRIOR to reading:

COOK Moved amendment #1 on Bill No. 05R-302 in the following manner:  
1. On line 6 delete the word "northwest" and insert in lieu thereof the word southeast.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

COOK Moved to place Bill No. 05R-302 on pending indefinitely.

Seconded by Newman & carried by the following vote: AYES: Cook, Marvin, McRoy, Newman; NAYS: Camp, Eschliman, Svoboda.

USE PERMIT NO. 33D - APPLICATION OF SENHOC PROPERTIES LLC TO PERMIT A SIGN WITHIN THE O-3 OFFICE PARK DISTRICT THAT DOES NOT IDENTIFY THE NAME OF THE OFFICE PARK, ON PROPERTY GENERALLY LOCATED AT HAVERFORD DRIVE AND L STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83685 WHEREAS, SENHOC Properties LLC has submitted an application in accordance with Sections 27.27.080 and 27.69.044(e) of the Lincoln Municipal Code designated as Use Permit No. 33D to allow a ground sign that does not identify the name of the office park, on property generally located at Haverford Drive and L Street, and legally described to wit:

Lots 3, 4, and 7, Executive Center 1st Addition, Lot 2, Executive Center 2nd Addition, Units 1 and 2, Gallup Condominium, located in the Northeast Quarter of Section 28, Township 10 North, Range 7 East, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this sign location within the commercial development enter will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of SENHOC Properties, LLC, hereinafter referred to as "Permittee", to allow a ground sign that does not identify the name of the office park, on the property legally described above be and the same is hereby granted under the provisions of Section 27.69.044(e) of the Lincoln Municipal Code upon condition that construction and operation of said ground sign be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits a ground sign on Lot 2 that identifies the tenant of a building and not the name of the office park. The size and location of the sign shall be conform to sign regulations.
2. Before receiving building permits:
  - a. The permittee shall have submitted a revised final plan including 7 copies and the plans are acceptable.
  - b. The construction plans shall comply with the approved plans.
3. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
4. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.
5. The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
6. The site plan as approved with this resolution voids and supersedes all previously approved site plans; however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Robin Eschliman

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ASSESSING THE COSTS FOR WEED CUTTINGS INCURRED BY THE CITY FROM JANUARY 1, 2005 THROUGH DECEMBER 31, 2005, AGAINST THE VARIOUS BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83686 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The costs for cutting, clearing, and removing weeds and other worthless vegetation as shown on the attached list for January 1, 2005 through December 31, 2005 be and the same are hereby assessed against the properties set opposite each amount, as shown thereon.

Introduced by Robin Eschliman

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

#### PETITIONS & COMMUNICATIONS

REPORT OF UNL MICROBIOLIGIST FOR WATER TESTING FOR THE MONTH OF NOVEMBER, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35)

SETTING THE HEARING DATE OF MONDAY, JANUARY 9, 2006 AT 1:30 P.M. FOR APPLICATION OF GAS 'N SHOP, INC. DBA DISCOUNT CITY FOR A CLASS D LIQUOR LICENSE AT 5560 SOUTH 48TH STREET, SUITE #6 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83687 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 9, 2006, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the Class "D" Liquor License Application of Gas 'N Shop, Inc. dba Discount City located at 5560 South 48<sup>th</sup> Street, Suite 6.

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

Introduced by Dan Marvin

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JANUARY 9, 2006 AT 1:30 P.M. FOR APPLICATION OF PRAIRIE LAKE MOBILE FOR A CLASS D LIQUOR LICENSE AT 8600 AMBER HILL COURT - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83688 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 9, 2006, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the Class "D" Liquor License Application of Prairie Lake Mobile located at 8600 Amber Hill Court.

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

Introduced by Dan Marvin

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

#### REPORTS OF CITY OFFICERS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone No. 05082: App. of Sierra Investments, LLC for a change from R-6 Residential District to B-3 Commercial District, on property located at S. 21st Street and K Street.

Change of Zone No. 05083: App. of Ed Aasen for a change from R-3 Residential District to O-3 Office Park District, on property located at S. 75th Street and Pioneers Boulevard.

Special Permit No. 1114D: App. Gary McCown for an amendment to the Pheasant Run Community Plan, to adjust the setbacks, on property located at Old Cheney Road and Pheasant Run Lane.

SETTING THE HEARING DATE OF MON. JANUARY 9, 2006 FOR THE APP. OF B & R STORES, INC. DBA RB'S LIQUOR STORE FOR A RECONSTRUCTION OF PREMISES AT 1709 WASHINGTON - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83689 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 9, 2006, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the Application of B & R Stores, Inc. dba RB's Liquor Store to reconstruct entire one story building 235' x 164' located at 1709 Washington.

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

Introduced by Dan Marvin

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REAPPOINTING GREG KEY AND DEANNE FINNEGAN TO THE CITIZEN POLICE ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING NOVEMBER 17, 2008 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83690 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Greg Key and Deanne Finnegan to the Citizen Police Advisory Board for three-year terms expiring November 17, 2008, is hereby approved.

Introduced by Robin Eschliman

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REAPPOINTING RON MELBYE AND TOM SCHLEICH TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR THREE-YEAR TERMS EXPIRING DECEMBER 31, 2008 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83691 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Ron Melbye and Tom Schleich to the Lincoln Electric System Administrative Board for three-year terms expiring December 31, 2008, is hereby approved.

Introduced by Robin Eschliman

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON DECEMBER 5, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES, EXCEPT RESOLUTION NO. A-83676 AND ORDINANCE NO. 18653, PASSED BY THE CITY COUNCIL ON DECEMBER 12, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

**ORDINANCES - 1<sup>ST</sup> READING**

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND THE HICKMAN PRESBYTERIAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 300 E. 3RD STREET, HICKMAN, NE - CLERK read an ordinance, introduced by Dan Marvin, accepting and approving a Lease Agreement between the City of Lincoln and the Hickman Presbyterian Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 300 E. 3<sup>rd</sup> Street, Hickman, NE for a one-year term beginning September 1, 2005, the first time.

STREET NAME CHANGE 05008 - RENAMING WEST PEMBERLY LANE LOCATED NORTH FROM HIGHLAND BOULEVARD IN BARON'S RIDGE ADDITION AS NORTHWEST PEMBERLY LANE - CLERK read an ordinance, introduced by Dan Marvin, changing the name of West Pemberly Lane to Northwest Pemberly Lane located north from Highland Boulevard in Baron's Ridge Addition, as recommended by the Street Name Committee, the first time.

CHANGE OF ZONE 3413 - APPLICATION OF LANDON'S NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT NORTH 24TH AND SUPERIOR STREETS - PRIOR to reading:

COOK Moved to place Bill No. 05-188 on pending indefinitely.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Dan Marvin, 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 first time.

STREET VACATION 05011 - VACATING THE WEST SEVEN (7) FEET OF 23RD STREET BETWEEN VINE AND U STREETS - CLERK read an ordinance, introduced by Dan Marvin, vacating the west 7 feet of 23<sup>rd</sup> Street between Vine and U Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

**ORDINANCES - 3<sup>RD</sup> READING & RESOLUTIONS FOR ACTION**

ANNEXATION 05013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 149.09 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND ADAMS STREET. (RELATED ITEMS: 05-164, 05R-262, 05-165) - PRIOR to reading:

COOK Moved to delay action on Bill No. 05-164 three weeks to 1/9/06.  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Robin Eschliman, 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.

APPROVING THE PRAIRIE VILLAGE NORTH CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND DUBOIS LAND LLC, PRAIRIE VILLAGE NORTH LLC, PRAIRIE HOME BUILDERS INC., ROLAND GROUP LLC, AND FAITH EVANGELICAL LUTHERAN CHURCH, RELATING TO THE ANNEXATION OF APPROXIMATELY 149.09 ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. 84TH STREET AND ADAMS STREET AND THE USE OF SAID 149.09 ACRES ALONG WITH APPROXIMATELY 23 ACRES LOCATED AT THE SOUTHEAST CORNER OF N. 84TH STREET AND ADAMS STREET UNDER A PLANNED UNIT DEVELOPMENT. (RELATED ITEMS: 05-164, 05R-262, 05-165) - PRIOR to reading:

COOK Moved to delay action on Bill No. 05R-262 three weeks to 1/9/06.  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CHANGE OF ZONE 05054 - APPLICATION OF PRAIRIE HOME BUILDERS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 AND R-5 RESIDENTIAL DISTRICTS, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND O-3 OFFICE PARK DISTRICT, ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND ADAMS STREET; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE, AND DESIGN STANDARDS TO ALLOW APPROXIMATELY 1,161 DWELLING UNITS IN THE UNDERLYING R-3 AND R-5 ZONED AREAS (TOTAL NUMBER OF ALLOCATED UNITS IS 1,071 AND THE TOTAL NUMBER OF AVAILABLE UNASSIGNED UNITS IS 90) AND APPROXIMATELY 585,000 SQUARE FEET OF OFFICE, RETAIL, AND COMMERCIAL FLOOR AREA IN THE UNDERLYING O-3 AND B-2 ZONED AREAS - PRIOR to reading:

COOK Moved amendment #5 to Bill No. 05-165 in the following manner:  
1. Divide Bill No. 05-165 and Change of Zone 05054 into two parts consisting of (a) 05-165A and Change of Zone 05054-A and (b) 05-165B and Change of Zone 05054-B as shown on Attachments A and B attached hereto.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

COOK Moved to delay action on Bill No. 05-165 three weeks to 1/9/06.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Robin Eschliman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the third time.

APPROVING THE SALE OF CITY PROPERTY AT 9<sup>TH</sup> AND K STREETS, KNOWN AS THE K STREET POWER PLANT - PRIOR to reading:

MCROY Moved amendment #2 to Bill No. 05-173 in the following manner:  
On page 2, between lines 14 and 15, insert a new paragraph 2 to read as follows:

"2. The Public Building Commission is respectfully requested to issue an RFP for the Alternative Facility in Furtherance of this Agreement, on or before January 15, 2006, other wise, the City purchasing agent shall issue the same."

And renumber the remaining paragraphs accordingly.

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

COOK Moved a friendly amendment to amendment #2 to Bill No. 05-173 to change January to February.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Marvin, Newman; NAYS: Eschliman, McRoy, Svoboda.

COOK Moved amendment #3 to Bill No. 05-173 in the following manner:  
On page 2, between lines 14 and 15, insert a new paragraph 2 to read as follows:

"2. The City Council directs that the mutual release of lease to be executed by the City and associated with any sale of the property as provided in the Purchase Agreement be submitted for the approval of the City Council."

And renumber the remaining paragraphs accordingly.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ESCHLIMAN Moved a friendly amendment to amendment #3 to Bill No. 05-173 to include "within 150 days."

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Svoboda; NAYS: McRoy, Marvin.

COOK Moved amendment #4 to Bill No. 05-173 in the following manner:  
1. Substitute the attached Purchase Agreement (Substitute per Mayor's Request) marked as Attachment A for the Purchase Agreement currently marked as Attachment A to Bill No. 05-173.

Seconded by McRoy & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: Camp.

COOK Moved amendment #5 (Became oral amendment to MTA #4) to Bill No. 05-173 in the following manner:

On Page 2, paragraph 6, line 10, after the word relocation insert a, strike the word "or". After the word "expenses" insert , and/or any costs reasonably incurred in the evaluation of alternatives. Strike the words "reasonably incurred" in the same line.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

- COOK Moved amendment #6 to Bill No. 05-173 by amending Attachment A, Purchase Agreement, by deleting paragraph 7, Reservation of Easements, and all subsections thereof, in its entirety, and renumbering the remaining paragraphs of said Purchase Agreement.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
- COOK Moved amendment #7 to Bill No. 05-173 by amending Attachment A, Purchase Agreement, by amending paragraph 11 of said Purchase Agreement to delete the words "Intentionally Omitted" and inserting in lieu thereof the following language:  
"Buyer Assumes Environmental Risk. The Buyer will be entirely responsible for the cost of any environmental hazards or remediation that may be required on the site as a result of its inspection and/or environmental audit. This will include all costs and steps that may be necessary to correct any condition."  
Seconded by Newman & LOST by the following vote: AYES: Camp, Cook, Newman; NAYS: Eschliman, Marvin, McRoy, Svoboda.
- COOK Moved to amend #10 to Bill No. 05-173 by amending Attachment A, Purchase Agreement, to add a new paragraph 43 to the Purchase Agreement to read as follows:  
43. Employee and Elected Officials Conduct. Nothing in this Agreement pertaining to good faith or otherwise will limit, prohibit or make liable any public official or employee who may act in other capacities, for example District Energy Corporation and Public Building Commission for any action they may take in that capacity. The City will also not be held liable or responsible for any action that the Public Building Commission for any action they may take in that capacity. The City will also not be held liable or responsible for any action that the Public Building Commission or the District Energy Corporation may choose to take or not take.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: McRoy.
- COOK Moved amendment #12 to Bill No. 05-173 by amending Attachment A, Purchase Agreement, by adding a new final sentence to paragraph 13f of said Agreement, City Covenants, to read as follows:  
"Permitted access shall be granted only to those areas the City has authority to access."  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Newman; NAYS: Marvin, McRoy, Svoboda.
- COOK Moved amendment #13 to Bill No. 05-173 by amending Attachment A, Purchase Agreement, by adding a new paragraph 8c of said Agreement, County Contingency, to read as follows:  
"The County Board of Commissioners must pass a resolution in support of moving forward on the sale of the building before the sales agreement becomes binding and the 180 day period begins."  
Seconded by Newman & LOST by the following vote: AYES: Cook, Newman; NAYS: Camp, Eschliman, Marvin, McRoy, Svoboda.
- COOK Moved amendment #14 to Bill No. 05-173 by amending Attachment A, Purchase Agreement, by adding a new paragraph at the end of paragraph 4 of said Agreement, Alternative Facilities, to read as follows:  
"The City Council must approve any alternative arrangements for those offices and storage areas currently in the K Street Complex by resolution or ordinance. The City Council will use its own judgment to determine whether such alternatives are financially appropriate. Failure to approve such alternative arrangements shall be deemed to be a rejection of the Agreement and no closing shall occur."  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
- ESCHLIMAN Moved amendment #15 to Bill No. 05-173 by amending Attachment A, Purchase Agreement, as follows:  
1. Paragraph 8(a), line 2, strike "marketability and".  
2. Paragraph 8(a), line 3, strike the words "Alternative Facility and debt borrowing" and insert in lieu thereof the language: "Alternative facilities leased or purchased and accompanying tenant improvement costs or debt borrowing".  
3. Paragraph 8(a), at the end of the first sentence on line 4 just before ("City's Contingency") insert the words and voted upon by City Council.

4. Paragraph 8(a), line 7, add a new sentence as follows:  
Tenants of the buildings shall investigate alternative locations either together or as separate entities. Regardless of the arrangement that is ultimately made in regards to the leasing or ownership of Alternative Facilities, if the Tenants conclude that they shall have to bear extra costs incurred by the move, they shall present any requests for such excess costs to the City Council within one hundred and fifty days for consideration and review.

5. Paragraph 8(a), line 9, delete the word "Buyer" and insert in lieu thereof the words City Council.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
ESCHLIMAN Moved amendment #16 to Bill No. 05-173 by amending Attachment A, Purchase Agreement, as follows:

1. On page 6, insert a new paragraph 12 to read as follows:

12. Right of First Offer. Buyer agrees that if it should elect to sell the property, it will give City the first opportunity to purchase the property. Buyer shall give ten (10) business days written notice to the City that it intends to market or sell the property. If the City is not interested in purchasing the property, it shall reply within ten business days, and Buyer shall be free to market the property publicly. If the City shall respond in writing to the Buyer that it has an interest in the property, it shall make a recommendation to the City Council to purchase the property at no more than appraised value or a value agreed upon by the parties, whichever is lower. If approval is granted, City agrees to close not later than six (6) months after the end of the ten business days. Paragraph 8(a), line 2, strike "marketability and".

2. Renumber the subsequent paragraphs accordingly.

Seconded by Cook & LOST by the following vote: AYES: Camp, Cook; NAYS: Eschliman, Marvin, McRoy, Newman, Svoboda.  
COOK Moved to amend Bill No. 05-173 by 50 years relating to the Substitute Agreement MTA #4, page 5, paragraph 11, third line, change 10 years to 50 years.

Seconded by Camp & LOST by the following vote: AYES: Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: Camp, Cook.

MARVIN Moved to amend Bill No. 05-173 by 30 years relating to the Substitute Agreement MTA #4, page 5, paragraph 11, third line, change 10 years to 30 years.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MCROY Moved to call the vote on Bill No. 05-173.

Seconded by (inaudible) & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

COOK Moved to delay action on Bill No. 05-173 three weeks to 1/9/06.

Seconded by Newman & LOST by the following vote: AYES: Camp, Cook; NAYS: Eschliman, Marvin, McRoy, Newman, Svoboda.

CLERK Read an ordinance, introduced by Annette McRoy, approving the sale of City Property located at 9<sup>th</sup> and K Street, known as the K Street Power Plant, the third time.

MCROY Moved to pass ordinance as amended.

Seconded by Marvin & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

The ordinance, being numbered **#18658**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05070A - AMENDING CHAPTER 27.53 OF THE LINCOLN MUNICIPAL CODE RELATING TO FLOOD REGULATIONS FOR NEW GROWTH AREAS BY AMENDING SECTION 27.53.030 TO PROVIDE DEVELOPMENT STANDARDS ON PROPERTY LOCATED IN THE FLOODWAY, FLOODPLAIN OR FLOODPRONE AREA. (Related Items: 05-175, 05-177, 05-176, 05-178, 05R-283, 05R-285) - PRIOR to reading:

COOK Moved to pass Bill No. 05-175.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Marvin, McRoy, Newman, Svoboda; NAYS: Eschliman.

CAMP Moved to reconsider Bill No. 05-175.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ESCHLIMAN Moved to amend Bill No. 05-175 to include language that if applicant is proposing a development in a new growth or existing urban area whereby 100 new primary jobs are created that they get an exception. (To apply to every ordinance & resolution relating to the flood plain and flood prone areas.)

Seconded by Camp & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

ESCHLIMAN Moved to withdraw amendment and delay action on Bill No. 05-175 three weeks to 1/9-06.

Seconded by Camp & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Chapter 27.53 of the Lincoln Municipal Code relating to Flood Regulations for New Growth Areas by amending Section 27.53.030 to provide development standards on property located in the floodway, floodplain or floodprone area; and repealing Section 27.53.030 of the Lincoln Municipal Code as hitherto existing, the third time.

CHANGE OF ZONE 05070B - AMENDING CHAPTER 27.52 OF THE LINCOLN MUNICIPAL CODE RELATING TO FLOOD REGULATIONS FOR THE EXISTING URBAN AREA BY AMENDING SECTION 27.52.010 TO ADD A REFERENCE TO FLOODPRONE AREA; BY AMENDING SECTION 27.52.020 TO ADD A DEFINITION FOR "FLOODPRONE AREA" AND A DEFINITION FOR "WATERSHED MASTER PLAN"; BY AMENDING SECTION 27.52.030 TO ADD STANDARDS FOR DEVELOPMENT WITHIN THE FLOODPRONE AREAS, TO PROHIBIT DEVELOPMENT WITHIN THE FLOODWAY EXCEPT AS PROVIDED IN THE GENERAL STANDARDS, AND TO PROVIDE THAT THE FLOODWAY SHALL BE THE AREA AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR BY HYDROLOGIC AND HYDRAULIC STUDIES APPROVED BY THE CITY WHERE THIS INFORMATION IS THE BEST AVAILABLE INFORMATION; BY AMENDING SECTION 27.52.040 TO INCLUDE FLOODPRONE AREAS; AND BY AMENDING SECTION 27.52.050 TO INCLUDE FLOODPRONE AREAS. (Related Items: 05-175, 05-177, 05-176, 05-178, 05R-283, 05R-285) - PRIOR to reading:

ESCHLIMAN Moved to delay action on Bill 05-177 three weeks to 1/9/06.

Seconded by Camp & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Chapter 27.52 of the Lincoln Municipal Code relating to Flood Regulations for the Existing Urban Area by amending Section 27.52.010 to add a reference to floodprone area; by amending Sections 27.52.020 to add a definition for "floodprone area" and a definition for "Watershed Master Plan"; by amending Section 27.52.030 to prohibit development within the floodway, floodplain or floodprone areas as provided in the general standards and to provide that the floodway shall be the area as designated by the Federal Emergency Management Agency or by hydrologic and hydraulic studies approved by the City where this information is the best available information; by amending Section 27.52.040 to include floodprone areas; by amending Section 27.52.050 to include floodprone areas; and by repealing Sections 27.52.010, 27.52.020, 27.52.030, 27.52.040 and 27.52.050 of the Lincoln Municipal Code as hitherto existing, the third time.

MISCELLANEOUS NO. 05023A - AMENDING CHAPTER 26.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO FLOOD REGULATIONS FOR THE EXISTING URBAN AREA BY AMENDING SECTION 26.24.010 TO ADD A DEFINITION FOR "FLOODPRONE AREA"; BY AMENDING SECTION 26.24.020 TO PROVIDE PLATTING AND SUBDIVISION RESTRICTIONS ON LAND LOCATED IN THE FLOODWAY, FLOODPLAIN OR FLOODPRONE AREAS; BY AMENDING SECTION 26.24.030 TO REQUIRE ADDITIONAL INFORMATION TO BE SHOWN ON THE PRELIMINARY PLAT IF THE SUBDIVISION IS LOCATED IN THE FLOODPRONE AREAS. (Related Items: 05-175, 05-177, 05-176, 05-178, 05R-283, 05R-285) - PRIOR to reading:

ESCHLIMAN Moved to delay action on Bill 05-176 three weeks to 1/9/06.

Seconded by Camp & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Chapter 26.24 of the Lincoln Municipal Code relating to Flood Regulations for the Existing Urban Area by amending Section 26.24.010 to add a definition for "floodprone area"; by amending Section 26.24.020 to provide platting and subdivision restrictions on land located in the floodway, floodplain or floodprone areas; by amending Section 26.24.030 to require additional information to be shown on the preliminary plat if the subdivision is located in the floodprone area; and repealing Sections 26.24.010, 26.24.020, and 26.24.030 of the Lincoln Municipal Code as hitherto existing, the third time.

MISCELLANEOUS NO. 05023B - AMENDING CHAPTER 26.25 OF THE LINCOLN MUNICIPAL CODE RELATING TO FLOOD REGULATIONS FOR NEW GROWTH AREAS BY AMENDING SECTION 26.25.020 TO PROVIDE PLATTING AND SUBDIVISION RESTRICTIONS ON LAND LOCATED IN THE FLOODWAY, FLOODPLAIN OR FLOODPRONE AREAS. (Related Items: 05-175, 05-177, 05-176, 05-178, 05R-283, 05R-285) - PRIOR to reading:

ESCHLIMAN Moved to delay action on Bill 05-178 three weeks to 1/9/06.

Seconded by Camp & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Chapter 26.25 of the Lincoln Municipal Code relating to Flood Regulations of the New Growth Areas by amending Section 26.25.020 to provide platting and subdivision restrictions on land located in the floodway, floodplain or floodprone areas and repealing Section 26.25.020 of the Lincoln Municipal Code as hitherto existing, the third time.

TO FORMALLY RECOGNIZE THE BEAL SLOUGH 100-YEAR FLOODPRONE AREAS AND REVISED FLOODWAY, INCLUDING UPDATED FLOOD ELEVATIONS, AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES. (Related Items: 05-175, 05-177, 05-176, 05-178, 05R-283, 05R-285).

ESCHLIMAN Moved to delay action on Bill 05R-283 three weeks to 1/9/06.

Seconded by Camp & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

TO UPDATE A PORTION OF THE STEVENS CREEK 100-YEAR FLOODPRONE AREAS AND REVISED FLOODWAY MAP ADOPTED IN 2004, INCLUDING UPDATED FLOOD ELEVATIONS, AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES. (Related Items: 05-175, 05-177, 05-176, 05-178, 05R-283, 05R-285).

ESCHLIMAN Moved to delay action on Bill 05R-285 three weeks to 1/9/06.

Seconded by Camp & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

TO FORMALLY RECOGNIZE THE SOUTHEAST UPPER SALT CREEK 100-YEAR FLOODPRONE AREAS, INCLUDING UPDATED FLOOD ELEVATIONS, AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES. (Related Items: 05R-282, 05R-284).

ESCHLIMAN Moved to delay action on Bill 05R-282 three weeks to 1/9/06.

Seconded by Camp & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

TO FORMALLY RECOGNIZE THE CARDWELL BRANCH 100-YEAR FLOODPRONE AREAS AND REVISED FLOODWAY, INCLUDING UPDATED FLOOD ELEVATIONS, AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES. (Related Items: 05R-282, 05R-284).

ESCHLIMAN Moved to delay action on Bill 05R-284 three weeks to 1/9/06.

Seconded by Camp & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

AMENDING CHAPTER 10.14 OF THE LINCOLN MUNICIPAL CODE TO ALLOW U-TURNS AT STREET INTERSECTIONS, EXCEPT WHERE SPECIFICALLY PROHIBITED, BY AMENDING SECTION 10.14.040 RELATING TO RIGHT-OF-WAY; AMENDING SECTION 10.14.170 RELATING TO TURNING MOVEMENTS AND REQUIRED SIGNALS; AMENDING SECTION 10.14.180 RELATING TO SIGNALS BY HAND AND ARM OR SIGNAL LAMPS; AMENDING SECTION 10.14.190 RELATING TO REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS; AMENDING SECTION 10.14.200 RELATING TO U-TURN ONLY AT STREET INTERSECTIONS; REPEALING SECTION 10.14.210 RELATING TO TURNS ON ARTERIAL STREETS IN CONGESTED DISTRICT; AND AMENDING SECTION 10.14.220 RELATING TO TURNS RESTRICTED AT INTERSECTIONS WITH AUTOMATIC SIGNALS - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 10.14 of the Lincoln Municipal Code to allow U-turns at street intersections, except where specifically prohibited, by amending Section 10.14.040 relating to Right-of-way; amending Section 10.14.170 relating to Turning Movements and Required Signals; amending Section 10.14.180 relating to Signals by Hand and Arm or Signal Lamps; amending Section 10.14.190 relating to Required Position and Method of Turning at Intersections; amending Section 10.14.200 relating to U-turn Only at Street Intersections; repealing Section 10.14.210 relating to Turns on Arterial Streets in Congested District; amending Section 10.14.220 relating to Turns Restricted at Intersections With Automatic Signals; and repealing Sections 10.14.040, 10.14.170, 10.14.180, 10.14.190, 10.14.200, and 10.14.220 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass ordinance as read.

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18659**, is recorded in Ordinance Book #25, Page

**RECONSIDERATION**

CHANGE OF ZONE 05067 - APPLICATION OF WHITEHEAD OIL COMPANY FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-3 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 2100 K STREET - PRIOR to reading:

ESCHLIMAN Moved to override Mayor Seng's veto.  
Seconded by Camp & **LOST** by the following vote: AYES: Camp, Eschliman, Svoboda; NAYS: Cook, Marvin, McRoy, Newman.

APPROVING A CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND WHITEHEAD OIL COMPANY FOR THE DEVELOPMENT OF TRAFFIC AND DESIGN CONDITIONS ASSOCIATED WITH A CHANGE OF ZONE FROM R-6 RESIDENTIAL TO B-3 COMMERCIAL ON PROPERTY GENERALLY LOCATED AT 21ST AND K STREETS - PRIOR to reading:

ESCHLIMAN Moved to override Mayor Seng's Veto.  
Seconded by Camp & **LOST** by the following vote: AYES: Camp, Eschliman, Svoboda; NAYS: Cook, Marvin, McRoy, Newman.

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to January 9, 2006.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on December 19, 2005.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

**ADJOURNMENT 7:30 P.M.**

CAMP Moved to adjourn the City Council meeting of December 12, 2005.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant