

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 12, 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

COOK Having been appointed to read the minutes of the City Council proceedings of December 5, 2005, reported having done so, found same correct.
Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

PUBLIC HEARING

APPROVING THE SALE OF CITY PROPERTY AT 9TH AND K STREETS, KNOWN AS THE K STREET POWER PLANT - Dallas McGee, Urban Development Department Assistant Director, came forward to answer Council questions. Discussion followed.

Joel Pedersen, Assistant City Attorney, came forward to answer questions. Further discussion followed.

Don Herz, Director of Finance, came forward to answer questions. Further discussion followed.

Matt Maude, accountant, came forward representing Katie & Lou Halpern of Heathrow Development, to answer Council questions. Further discussion followed.

Kent Seacrest, attorney representing the applicants, came forward to answer Council questions. Further discussion followed.

William Ptacek, Deputy Secretary of State for Records Management, came forward to represent the Secretary of State John Gale, neither in support nor opposition but to express concerns of continued use of a building that does not meet national standards for warehousing of records. Further discussion followed.

Lisa Kelly, President of the Downtown Neighborhood Association, came forward in support.

Bob Ripley, 3022 William Street, came forward in support. Further discussion followed.

Drew Stange, Chair of the Downtown Lincoln Association, came forward in support and also presented a letter of support from Douglas Lienemann, President of the Lincoln Haymarket Development Corporation. Further discussion followed.

Polly McMullen, President of the Downtown Lincoln Association, came forward in support.

Lynnie Green-Scheibeler, 2565 Wilderness Ridge, General Manager of Embassy Suites on 1040 P Street, came forward in support.

Steve Flanders, 6420 East Shore Drive, came forward with architectural comments neither for nor against. Further discussion followed.

Susan Emen Dinsmore, 2303 Harrison, came forward in support.

Jo Gutsell, 2105 B Street, representing the Lincoln Area Taxpayers for Accountable Government came forward in opposition.

Danny Walker, 427 "E" Street, came forward to comment.

Glen Cekal, 1420 "C" Street, came forward in opposition.

Fred Stuart, 1319 Rose Street, came forward in support.

Richard Esquivel, 733 W. Cuming, came forward to comment.

Richard Halvorsen, 6311 Inverness Road, came forward to comment.

Mr. Herz came forward to answer Council questions. Further discussion followed.

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

Mr. Pedersen came forward in rebuttal.

Camp stated for the record: I remember back in 1982 when I started in the Haymarket, I had no parking, well, I actually had three spaces. I was so naive, I thought I just go out and fix up the buildings, lease them, and I'm in home free. I sat there for three years on 95% vacancy. And I kept going to the assessor and saying, look, I have no place to park people, I have no rented space; therefore I'm not going to pay your property taxes. So he lowered my valuation and so I saved lots of money. Well, I didn't save because I wasn't leasing, but I went out in 1985, bought parking, I leased it up, my value also went up and I paid more taxes. So I'm just putting myself in the shoes of these other property

owners and in fairness to them, if they lose the parking that they've been contracting for, yes, they are going to try to find other alternatives. But it may depreciate the value, lower the value, and so nowhere in the scenario here have we looked at that. I just want the ability as we go along this 180 days, assuming we proceed forward, that all of the parties can put those numbers on the table and make sure we're fully appreciating each others' positions and it doesn't result in pulling pistols out and dueling.

This matter was taken under advisement.

TOOK BREAK 4:43 P.M.

RECONVENED 5:00 P.M.

- 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);
- 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);
- 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);
- 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);
- 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);
- 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);
- 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);
- 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) - Nicole Fleck-Tooze, Public Works & Utilities, and Glen Johnson, General Manager of the Lower Platte South Natural Resources District, came forward to present information on the floodplain mapping update and to answer Council questions. Discussion followed.

Brian Dunagan, State Floodplain Manager, came forward to answer questions. Further discussion followed.

Marilyn McNabb, 1701 W. Rose Street, came forward in support.

Craig Mason, 5950 Sunrise Road, representing Lincoln Independent Business Association (LIBA), came forward in opposition. He stated Federal standards exist and those keep Lincoln on a level playing field with other communities. Further discussion followed.

Wendy Francis, 3818 S. 16th, came forward in opposition. Further discussion followed.

Sharon Miller, 2108 Southwood Place, representing a townhome

association near the Beal Slough area, came forward in opposition.

Pat Ohmberger, 815 Sage Circle, came forward in opposition. Further discussion followed.

Fernando Pages, owner of Brighton Construction Company, came forward in opposition. He feels there should be more local interest in developing alternatives that would help development continue even despite more stringent regulation. Further discussion followed.

Marvin stated for the record: We do have a lot of dark fiber in this town and the state of Nebraska and certain interests have tried to keep that dark so that we can't light up the community and do the internet things that you'd like to do. We're stalled because of legislation.

Darlene Fletcher, 8110 Dougan Circle, came forward in opposition. Further discussion followed.

Ms. Fleck-Tooze came forward to clarify that this is all a part of a single study being done cooperatively by the city in partnership with the NRD and FEMA as one cooperating partnership and it's according to FEMA's guidelines and specifications for floodplain mapping. Further discussion followed.

Mr. Dunagan came forward to answer questions. Further discussion followed.

Rick Krueger, 6525 S. 66th, Developer, came forward in opposition. Further discussion followed.

Russell Miller, 341 S. 52nd, representative of the Lincoln Neighborhood Alliance, came forward in support stating that the changes to Lincoln's Municipal Code are a necessity to protect the many investors of Lincoln, plus there should be additional language that requires floodplain data to be updated every 10 years. Further discussion followed.

Bob Kozelka, 1935 A Street, came forward in support.

Peter Katt, 1045 Lincoln Mall, Suite 200, came forward in opposition stating the FEMA provisions are already adequate. Further discussion followed.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward in opposition. Further discussion followed.

Foster Collins, 2100 Calvert Street, came forward in support.

Ms. Fleck-Tooze came forward to answer questions. She stated that ignoring information about flood hazards doesn't further Lincoln as a community of opportunity and that we are using science and technology to identify what those flood hazards are and to make sure everyone has the most up-to-date information about where those hazards are. Further discussion followed.

Randy Graham, of PBS & J, a consulting firm working with the city on Beal Slough, came forward to answer questions. Further discussion followed.

This matter was taken under advisement.

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 - Scott Opfer, Public Works Dept., came forward to answer Council questions. Discussion followed.

This matter was taken under advisement.

APPROVING A WAIVER OF THE DESIGN STANDARDS FOR VEHICLE STACKING FOR THE PROPOSED HS BANK BRANCH AT 5560 SOUTH 48TH STREET TO REDUCE THE DRIVE-THRU TELLER STACKING BY ONE VEHICLE - Gary Butts, 5560 S. 48th Street, came forward in opposition. Discussion followed.

Bob True, Vice President of HS Bank, came forward in support. Further discussion followed.

Scott Opfer, Public Works Dept., came forward in opposition. Further discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer questions. Further discussion followed.

Mr Butts and Mr. True came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND THE LINCOLN AIRPORT AUTHORITY FOR A 25-YEAR LEASE FOR BOWLING LAKE AND SURROUNDING AREA FOR A RESTORATION PROJECT BY THE NEBRASKA GAME AND PARKS COMMISSION - Terry Genrich, Parks & Recreation Dept., came forward to answer Council questions. Discussion followed.

This matter was taken under advisement.

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

MISCELLANEOUS

Orville Meyer, 2456 Park Avenue, came forward in opposition of the closure of a section of 14th Street North of South Street in conjunction with the South Street improvement project for spring of 2007. He stated it will eliminate necessary parking for on-going businesses. Discussion followed.

Jessi Gibson, 1218 N. 26th Street, business owner of Sun Tannery at 14th & South Street, came forward in opposition of the future planned closure of a section of 14th Street north of South Street. She stated that the street closure affects many businesses in a negative way. Further discussion followed.

This matter was taken under advisement.

Jan Karst, 1403 E Street, came forward to urge the repeal of Ordinance 18396 and stated this will allow Lincoln to return to being governed by the Nebraska Clean Air Act as is the rest of the state.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

APPROVING THE SALE OF CITY PROPERTY AT 9TH AND K STREETS, KNOWN AS THE K STREET POWER PLANT - CLERK read an ordinance, introduced by Annette McRoy, approving the sale of City Property located at 9th and K Street, known as the K Street Power Plant, the second time.

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) - 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 second 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) - 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 second 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) - 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 second 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) - 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 second 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) - PRIOR to reading:

COOK Moved to delay action on Bill No. 05R-283 one week to 12/19/05.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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) - PRIOR to reading:

COOK Moved to delay action on Bill No. 05R-285 one week to 12/19/05.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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) - PRIOR to reading:

COOK Moved to delay action on Bill No. 05R-282 one week to 12/19/05.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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) - PRIOR to reading:

COOK Moved to delay action on Bill No. 05R-284 one week to 12/19/05.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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 second time.

RESOLUTIONS

APPROVING A WAIVER OF THE DESIGN STANDARDS FOR VEHICLE STACKING FOR THE PROPOSED HS BANK BRANCH AT 5560 SOUTH 48TH STREET TO REDUCE THE DRIVE-THRU TELLER STACKING BY ONE VEHICLE - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83671 WHEREAS, Section 3.7 of Chapter 4 (Driveway Design Standards) of the City of Lincoln Design Standards, adopted by the City Council through passage of Resolution No. A-80618 on November 11, 2000, requires financial institutions to provide vehicle stacking for four vehicles plus the vehicle being served at the drive-thru teller window; and

WHEREAS, HS Bank has requested an exception to said guidelines to reduce the vehicle stacking requirement by one vehicle per lane plus the vehicle being served at the drive-thru teller window at the proposed facility to be located at 5560 South 48th Street; and

WHEREAS, said Guidelines and Regulations for Driveway Design and Location authorize the City Council to grant a specific exception from the strict application of the guidelines and regulations that would result in an unusual hardship in the use of a specific parcel of property, provided said exception is granted upon such conditions as may be appropriate to ensure conformance with the goals and purposes of said Guidelines and Regulations.

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

That the Council does hereby grant HS Bank an exception from the strict application of the provisions of Section 3.7 of Chapter 4 of the City of Lincoln Design Standards so as to reduce the vehicle stacking requirement from four vehicles per lane to three vehicles per lane plus the vehicle being served to permit the layout of the proposed bank as designed at the location at 5560 South 48th Street, Lincoln, Lancaster County, Nebraska.

Introduced by Patte Newman

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 16 - 30, 2005 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83672 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated December 1, 2005, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED
Sonda McClellan NAS*

ALLOWED OR SETTLED
Courtney Wrick \$1,022.94
Rochelle Reese 2,600.00
Patricia Anderson 337.66
Curt Beckenhauer 100.00
State Farm Insurance
(Claim No. 27-7704-577) 256.96
Cynthia Kopycinski 1,600.00

*No Amount Specified.

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

Introduced by Jonathan Cook

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

APPROVING A THREE-YEAR CONTRACT WITH CONTINUUM EMPLOYEE ASSISTANCE TO PROVIDE ASSESSMENT AND REFERRAL TO EMPLOYEES AND FAMILY MEMBERS FOR PERSONAL PROBLEMS WHICH MAY AFFECT JOB PERFORMANCE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83673 WHEREAS, there are employees working for the City of Lincoln who may, from time to time, experience problems which affect job performance; and

WHEREAS, Continuum Employee Assistance has established programs of assessment and referral in areas such as alcohol abuse, family, marital, emotional, financial, and legal concerns; and

WHEREAS, it is in the best interest of the employees of the City of Lincoln to have available to them the program of assisting and rehabilitating those employees who may have personal problems affecting job performance.

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

That the attached contract by and between the City of Lincoln and Continuum Employee Assistance for a term of January 1, 2006 through December 31, 2008, is hereby accepted and approved on behalf of the City and the Mayor is hereby authorized to execute said contract on behalf of the City and to bind the City pursuant to the terms and conditions contained in the said contract.

BE IT FURTHER RESOLVED that the fees for the services provided by Continuum Employee Assistance, pursuant to the terms and conditions of the contract, shall be \$65,000 for 2006, \$65,000 for 2007, and \$66,000 for 2008, all as set forth in the contract between the parties. The fee for HelpNet Services shall be \$.25 per employee per month based on the employee count at the start of each year. The fee for 2006 is \$6,009.00.

Introduced by Jonathan Cook

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

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND THE LINCOLN AIRPORT AUTHORITY FOR A 25-YEAR LEASE FOR BOWLING LAKE AND SURROUNDING AREA FOR A RESTORATION PROJECT BY THE NEBRASKA GAME AND PARKS COMMISSION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83674 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached License Agreement in Lincoln Air Park West between the City of Lincoln and the Airport Authority of the City of Lincoln, Nebraska for a 25-year lease of Bowling Lake and the surrounding area located in Lincoln Air Park West for a restoration project by the Nebraska Game and Parks Commission to restore Bowling Lake to an urban fishery is hereby approved and the Mayor is authorized to execute said License Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said License Agreement to Lynn Johnson, Parks and Recreation Dept., for transmittal to the Lincoln Airport Authority.

Introduced by Jonathan Cook

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, COUNTY AND UNITED WAY FOR THE PURPOSE OF DEFINING THE PARTIES' PARTICIPATION IN THE FUNDING OF OVERSIGHT AND ADMINISTRATION OF THE COMMUNITY SERVICES INITIATIVE-LINCOLN (CSI) PROJECT - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83675 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln, the County of Lancaster, and United Way of Lincoln for the purpose of defining the parties' participation in the funding of oversight and administration of the Community Services Initiative-Lincoln (CSI) Project, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to forward four fully executed originals of said Interlocal Agreement to Kristy Mundt, Lancaster County Attorney's Office for placement on the County Board agenda.

Introduced by Jonathan Cook

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

REPORTS OF CITY OFFICERS

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM AQUILA FOR THE MONTH OF OCTOBER, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS Occupation Tax for the month of June, 2005: MCI WorldCom; January - September, 2005: Business Telecom, Inc.; July - September 2005: Air Cell, Netifice Comm., PNG Telecomm., Who's Calling, Inc., Telenational Comm., Southwest Comm., American Farm Bureau, Fast Phones of Nebr.; September 2005: Tracfone Wireless, VoiceCom, Cincinnati Bell Any Distance, Working Assets Funding Service, Verizon Long Distance, Trans National Comm., AccessLine Comm., McLeodUSA, UCN, Inc., Virgin Mobile USA, T-Netix, Advanced Tel Inc., ACN Comm., Global Crossing, Intellicall, Primus, Opex, CIII Comm., Qwest, Verizon Select, On Star, Guaranteed Phone Serv., Quantum Shift, IBM Global, Business Prod., Solutions, IDT Corp., Telecorp, Com Tech, Winstar Comm., Star Number, KDDI America, XO Comm., Enhanced Comm., AT&T, Cricket, USCOC of Greater Iowa, Alltel Nebraska, Inc., Alltel Comm., of Nebr. Inc., Alltel Systems of the Midwest, Inc., Nebraska Tech. & Telecomm., New Cingular Wireless PCS, WWC License; October 2005: NPCR, Inc., TWC Info Serv., First Wireless, Sprint, MCI WorldCom, Sprint Spectrum, Alltel Comm. of Nebr., Inc., Alltel Systems of the Midwest, Inc., Alltel Nebraska, Inc., SBC Long Distance, Nextel West, NOS Comm., GTC Telecom, LDMI, Zone Telecom, Tri-M Comm., Lightyear Network Solutions, Acceris Mgmt. & Acquisition, Globalcom, Affinity Network, Acceris Comm., Excel Telecomm., VarTec Telecom, NOSVA, ATS Mobile - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST 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. 66TH 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. 66th 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 6th P.M., Lancaster County, Nebraska, the first 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. 66TH STREET AND HIGHWAY 2. (RELATED ITEMS: 05-185, 05R-297) (Action Date: 12/19/05).

ORDINANCES - 3RD READING & RESOLUTIONS

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 - CLERK read an ordinance, introduced by Annette McRoy, 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 third time.

MCROY Moved to pass the Ordinance as read.
Seconded by Eschliman & carried by the following vote: AYES: Camp, Eschliman, McRoy, Svoboda; NAYS: Cook, Marvin, Newman.

The ordinance, being numbered #18653, is recorded in Ordinance Book #25, Page

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:

COOK Moved amendment #1 to Bill No. 05R-289 by amending Attachment A, Development and Conditional Zoning Agreement, in the following manner:
1. On page 3, paragraph 3.a. at the end of subsection (1) add the following: (c) vehicle body repair shops and automobile wash facilities.

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

COOK Moved amendment #2 to Bill No. 05R-289 by amending Attachment A, Development and Conditional Zoning Agreement, in the following manner:
1. On page 4, paragraph 3.a. at the end of subsection (3) add the following: (e) sale of alcoholic beverages for consumption on the premises; (f) sale of alcoholic beverages for consumption off the premises.

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

CLERK Read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83676 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Development and Conditional Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Whitehead Oil Company, for a change of zone from R-6 Residential District to B-3 Commercial District to construct a gas station/convenience store, fast food restaurant, and car wash on the property generally located a 21st and K Streets, is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return two fully executed copies of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Applicant.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development and Conditional Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Applicant.

Introduced by Patte Newman

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND HAYMARKET SQUARE FOR THE LEASE OF SPACE LOCATED AT 808 P STREET, SUITE 400, FOR USE BY THE URBAN DEVELOPMENT DEPARTMENT FOR A FOUR YEAR TERM - CLERK read an ordinance, introduced by Patte Newman, accepting and approving a Lease Agreement between the City of Lincoln and Haymarket Square for the lease of office space by the Urban Development Department at 808 P Street, Suite 400, Lincoln, Lancaster County, Nebraska for a four year term commencing March 1, 2006, the third time.

NEWMAN Moved to pass the Ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; CONFLICT OF INTEREST: Camp.

The ordinance, being numbered #18654, is recorded in Ordinance Book #25, Page

AMENDING CHAPTER 10.14 OF THE LINCOLN MUNICIPAL CODE RELATING TO RULES OF THE ROAD BY ADDING A SECTION NUMBERED 10.14.165 RELATING TO TWO-WAY LEFT-TURN LANES - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 10.14 of the Lincoln Municipal Code relating to Rules of the Road by adding a new section numbered 10.14.165 relating to Two-Way Left-Turn Lanes, the third time.

NEWMAN Moved to pass the Ordinance as read.
Seconded by Marvin & **LOST** by the following vote: AYES: McRoy;
NAYS: Camp, Cook, Eschliman, Marvin, Newman, Svoboda.
The ordinance, having **LOST**, was assigned the File #38-4514 & was placed on file in the Office of the City Clerk.

AMENDING CHAPTER 10.14 OF THE LINCOLN MUNICIPAL CODE RELATING TO RULES OF THE ROAD BY ADDING A NEW SECTION NUMBERED 10.14.045 TO PROHIBIT EVASION OF TRAFFIC CONTROL DEVICES, SIGNS, OR SIGNALS AT STREET INTERSECTIONS - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 10.14 of the Lincoln Municipal Code relating to Rules of the Road by adding a new section numbered 10.14.045 to prohibit evasion of traffic control devices, signs, or signals at street intersections, the third time.

NEWMAN Moved to pass the Ordinance as read.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered #18655, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE HP 05076 - APPLICATION OF FORUM LEX LTD. TO DESIGNATE THE FORMER KAPPA SIGMA FRATERNITY HOUSE AT 1141 H STREET AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Patte Newman, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a landmark, the third time.

NEWMAN Moved to pass the Ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered #18656, is recorded in Ordinance Book #25, Page

SPECIAL PERMIT 05051 - APPLICATION OF FORUM LEX LTD. TO USE A LANDMARK DESIGNATED PROPERTY AS OFFICE USES, ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S. 12TH AND H STREETS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-73677 WHEREAS, Forum LEX Ltd. has submitted an application designated as Special Permit No. 05051 for authority to expand the existing permitted use of the former Kappa Sigma Fraternity House for law offices in the basement and first floor to include the whole building on property located at S. 12th and H Streets, and legally described to wit:

The east half of Lot 2 and all of Lot 1, Block 148,
Original Plat, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this expanded use of an historic landmark building 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 Forum LEX Ltd., hereinafter referred to as "Permittee", to expand the existing permitted use of the former Kappa Sigma Fraternity House for law offices, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.400 of the Lincoln Municipal Code upon condition that construction and operation of said use of an historic building be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the use of Kappa Sigma Fraternity House at 1141 H Street for law offices.
2. Before receiving building permits:
 - a. The Permittee must submit a revised final plan demonstrating that the parking lot meets design standards including 7 copies and the plans are acceptable.
 - b. The construction plans must comply with the approved plans.
 - c. The landmark designation of 1141 H Street must be approved.

3. Before occupying the building all development and construction shall have been completed in compliance with the approved plans.

4. All privately-owned improvements shall be permanently maintained by the owner.

5. 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.

6. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

7. The Permittee 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, filing fees therefor to be paid in advance by the applicant.

8. 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 Patte Newman

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

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE PARKS AND RECREATION CAPITAL IMPROVEMENT PROGRAM IN THE AMOUNT OF \$100,000 FROM MAHONEY BALLFIELD RENOVATION 409382.6138 (KENO) TO UNIVERSITY PLACE BALLFIELD LIGHTING REPLACEMENT 409418.6138; IN THE AMOUNT OF \$18,000 FROM WITHERBEE MINI PARK DEVELOPMENT 409387.6138 (KENO) TO WOODS PARK SHELTER AND DRINKING FOUNTAIN 409419.6138; IN THE AMOUNT OF \$50,000 FROM FLEMING FIELDS PARK ACQUISITION 409387.6135 (KENO), \$23,000 FROM HOLMES LAKE TRAIL CONSTRUCTION 409368.6138 (GR), \$11,354.56 FROM ROPER PARK DRAINAGE IMPROVEMENTS 409364.6138 (CASH) AND \$5,000.46 FROM ROPER PARK DRAINAGE IMPROVEMENTS 409364.6138 (KENO) TO ANTELOPE VALLEY TRAIL CONSTRUCTION 409410.6138 - CLERK read an ordinance, introduced by Patte Newman, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Parks and Recreation Department, the third time.

NEWMAN Moved to pass the Ordinance as read.

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

The ordinance, being numbered **#18657**, is recorded in Ordinance Book #25, Page

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:

MARVIN Moved to delay action on Bill No. 05-164 one week to 12/19/05.

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

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 PLANNED UNIT DEVELOPMENT. (RELATED ITEMS: 05-164, 05R-262, 05-165) - PRIOR to reading:

MARVIN Moved to delay action on Bill No. 05R-262 one week to 12/19/05.

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

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 ZONES AREAS. (RELATED ITEMS: 05-164, 05R-262, 05-165) - PRIOR to reading:

MARVIN Moved to delay action on Bill No. 05-165 one week to 12/19/05.
Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Marvin, McRoy, Newman, Svoboda; NAYS: Eschliman.

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.

ACTION ON THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2006 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83678 WHEREAS, under the provisions of Section 4.24.090 of the Lincoln Municipal Code, a proposed annual budget for the operation of the Lincoln Electric System (LES) for 2005 was approved by the LES Administrative Board on October 21, 2005; and

WHEREAS, pursuant to the above-cited code section, a public hearing on the proposed budget was held on November 28, 2005, notice thereof having been published in one issue of the Lincoln Journal Star newspaper published and of general circulation in the City more than five (5) days before such hearing.

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

1. That pursuant to the provisions of Section 4.24.090 of the Lincoln Municipal Code, the Lincoln Electric System Annual Budget for the fiscal year beginning January 1, 2006, a copy of which is attached hereto and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and all funds listed therein are hereby appropriated for the several purposes therein stated.

2. That all money received and any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

3. That all monies received and set apart for the operation and maintenance of the Lincoln Electric System and all monies received from any source that are required to be applied to the costs of said operation and maintenance, shall be deposited in the appropriate operation and maintenance account, and paid out upon the order of those persons designated by the LES Administrative Board.

4. That by adoption of the Capital Improvements Budget, the City Council hereby authorizes the acquisition of all necessary right-of-way, easements, or other interests in land, by purchase if possible, by condemnation if necessary, for those projects included within the Capital Improvements Budget.

5. That, to the extent capital improvements for facilities of LES are made from LES revenue and other funds, it is intended that the amount of such expenditures, which is not reasonably expected to exceed \$50,000,000 shall be reimbursable to the LES revenue and other funds through the issuance of future electric system revenue bonds there being no funds of LES or the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to such expenditures, other than pursuant to the issuance of such electric system revenue bonds, this Resolution being determined to be consistent with the budgetary and financial circumstances of LES and the City as they exist or are reasonably foreseeable on the date hereof.

6. There is hereby appropriated all money received from any source as grants or donations received for public purposes.

Introduced by Annette McRoy
Seconded by Newman & carried by the following vote: AYES: Camp,

Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to December 19, 2005.
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 10:00 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.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING
December 12, 2005
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