

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 26, 2004 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Joan Ross, City Clerk.

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

READING OF THE MINUTES

WERNER Having been appointed to read the minutes of the City Council proceedings of April 19, 2004, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF PERSHING CENTER FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING AN AREA MEASURING 200' BY 60' AND 280' BY 60 ON THE SOUTH AND NORTH SIDES OF PERSHING CENTER, 226 CENTENNIAL MALL SOUTH, ON APRIL 30, 2004 FROM 5:00 P.M. TO 11:50 P.M. - Tom Lorenz, Executive Director of Pershing Center, came forward for approval. Further discussion followed. This matter was taken under advisement.

AUTHORIZING THE CONSTRUCTION OF A 12-INCH WATER MAIN (WATER DISTRICT 1192) TO SERVE SOUTH FOLSOM, FROM WEST SOUTH STREET SOUTH APPROXIMATELY 1,250 FEET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - Robert Becker, 2400 South Folsom Court, President of Steel Fabricators, came forward for approval and to submit an Informal Petition requesting the addition of city sewer and wastewater services to be incorporated into this special assessment. Dana Roper, City Attorney, came forward to answer questions of the Council. Further discussion followed. Nicole Fleck-Tooze, Special Projects Administrator for Public Works and Utilities Department, came forward to answer questions of the Council. Further discussion followed. This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES IN THE CITY PARK PROPERTY LOCATED AT 3403 W. VAN DORN STREET;

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES AT 4375 S. 33RD COURT;

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES IN THE CITY PARK PROPERTY LOCATED AT 3761 NORMAL BLVD - Doug Rogers, 1023 Lincoln Mall, came forward on behalf of LCC International for approval.

Lynn Johnson, Director of Parks & Recreation Department, came forward and stated for the record that the Parks & Recreation Advisory Board did review each of the proposals. The first one at Pioneers Golf Course was recommended with approval along with the suggestion that the height of the pole be limited, that there be vinyl clad fencing around the compound, and that there also be additional landscaping around the compound. The second item of a new tower and compound at Star City Shores was also recommended with approval along with the provisions that the compound and the pole be designed to accommodate four providers. The existing pole and compound has four providers within it or on it and they recommended that this additional compound essentially meet those same standards. Then the third item is for placement of a communication tower at Elk's Field. In this case, the recommendation is that the existing storage building be replaced with a new building and that the mechanical equipment be housed within that new building.

Jon Camp, Council Chairperson, noted that there is probably going to be a motion to continue public hearing on Bill No. 04-69 to continue to next week so that if there are any individuals that would like to testify on that item then they may do so at that time.

Jonathan Cook, Council Member, asked to what extent have the recommendations been taken into consideration on these contracts?

Mr. Johnson replied that to his understanding in talking with Steve Huggenberger, the Assistant City Attorney, that the Council action which will actually take place next week, will most likely be authorizing the Mayor to enter into an agreement and that Mr. Huggenberger would be working with Doug Rogers as well as the Parks & Recreation Department to incorporate these changes into these documents. Also, as far as he knows, there has been no concerns with this.

Mr. Camp asked Mr. Rogers to come forward and state if he feels that these modifications and changes are acceptable.

Mr. Rogers came forward and stated that they have no problems or concerns with these provisions.

COOK Moved to delay public hearing and action for 1 week to 5/3/04 on Bill Number's 04-69, 04-70, & 04-71.

Seconded by Newman & carried, 7-0.

APPROVING A MULTI-YEAR AGREEMENT WITH FUNDING FROM MORE THAN ONE FISCAL CIP BUDGET YEAR BETWEEN THE CITY AND CONSTRUCTION MANAGER FOR RENOVATION AND CONSTRUCTION WORK AT THE SUNKEN GARDENS LOCATED AT S. 27TH STREET AND CAPITAL PARKWAY - J.J. Yost, Planning & Construction Manager for the Parks & Recreation Department, came forward for approval. Further discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Lois Newman, no address given, came forward to express her concerns with people smoking in the bus shelters and on park benches in parks. She also shared her concerns with people using other peoples dumpsters. Further discussion followed.

This matter was taken under advisement.

Mike Morosin, 2055 S Street, came forward to express his concerns with people who use the bus shelters as restrooms.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF PERSHING CENTER FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING AN AREA MEASURING 200' BY 60' AND 280' BY 60 ON THE SOUTH AND NORTH SIDES OF PERSHING CENTER, 226 CENTENNIAL MALL SOUTH, ON APRIL 30, 2004 FROM 5:00 P.M. TO 11:50 P.M. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82722 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 Pershing Center for a Special Designated License to cover an area measuring approximately 161 feet by 347 feet and 141 feet by 36 feet to the west and south of the Pershing Center, 226 Centennial Mall South, Lincoln, Nebraska, on September 20, 2003 from 11:00 a.m. to 11:59 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

Introduced by Glenn Friendt

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

ORDINANCES - 2ND READING

AUTHORIZING THE CONSTRUCTION OF A 12-INCH WATER MAIN (WATER DISTRICT 1192) TO SERVE SOUTH FOLSOM, FROM WEST SOUTH STREET SOUTH APPROXIMATELY 1,250 FEET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1192, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES IN THE CITY PARK PROPERTY LOCATED AT 3403 W. VAN DORN STREET - PRIOR to reading:

COOK Moved to delay public hearing and action for 1 week to 5/3/04.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Ken Svoboda, pursuant to Article VII Section 3 of the charter of the City of Lincoln, Nebraska, the Mayor is hereby authorized to enter into an agreement between the City of Lincoln, Nebraska, as Licensor, and Florida RSA #8, LLC, dba U.S. Cellular, as Licensee, for a period not to exceed five years, with the various renewal options of up to another 20 years, upon the terms and conditions as provided in the attached Agreement, which is hereby accepted and approved and the Mayor is authorized to execute the same and the associated Memorandum of License document on behalf of the City and any associated amendments, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES AT 4375 S. 33RD COURT -

COOK Moved to delay public hearing and action for 1 week to 5/3/04.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Ken Svoboda, pursuant to Article VII Section 3 of the Charter of the City of Lincoln, Nebraska, the Mayor is hereby authorized to enter into an agreement between the City of Lincoln, Nebraska, as Licensor, and Florida RSA #8, LLC dba U.S. Cellular, as Licensee, for a period not to exceed five years, with the various renewal options of up to another 20 years, upon the terms and conditions as provided in the attached Agreement, which is hereby accepted and approved and the Mayor is authorized to execute the same and the associated Memorandum of License document on behalf of the City and any associated amendments, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES IN THE CITY PARK PROPERTY LOCATED AT 3761 NORMAL BLVD -

COOK Moved to delay public hearing and action for 1 week to 5/3/04.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Ken Svoboda, pursuant to Article VII Section 3 of the Charter of the City of Lincoln, Nebraska, the Mayor is hereby authorized to enter into an agreement between the City of Lincoln, Nebraska, as Licensor, and Florida RSA #8, LLC, dba U.S. Cellular, as Licensee, for a period not to exceed five years, with the various renewal options of up to another 20 years, upon the terms and conditions as provided in the attached Agreement, which is hereby accepted and approved and the Mayor is authorized to execute the same and the associated Memorandum of License document on behalf of the City and any associate amendments, the second time.

RESOLUTIONS

APPROVING A MULTI-YEAR AGREEMENT WITH FUNDING FROM MORE THAN ONE FISCAL CIP BUDGET YEAR BETWEEN THE CITY AND CONSTRUCTION MANAGER FOR RENOVATION AND CONSTRUCTION WORK AT THE SUNKEN GARDENS LOCATED AT S. 27TH STREET AND CAPITAL PARKWAY - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82723 WHEREAS, the City Project for renovation and construction work at Sunken Gardens through the Parks and Recreation Department has been approved by the City; and

WHEREAS, funding for this work consists of Lincoln Parks & Recreation Foundation fund-raising campaign and Parks & Recreation CIP budget for FY 03-04 and FY 04-05; and

WHEREAS, the Parks & Recreation CIP budget for the project consists of \$100,000.00 over a budget period in fiscal year 03-04 and fiscal year 04-05; and

WHEREAS, Article VII, Section 3 of the Charter of the City of Lincoln provides that no contract involving the expenditure of money from appropriations of more than one year, other than appropriations of borrowed money, shall be valid unless approved by ordinance or 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 or contracts between the City of Lincoln, Nebraska and Construction Manager for the renovation and construction work at Sunken Gardens to be paid from fiscal years 2003, 2004, and 2005.

Introduced by Terry Werner

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

APPOINTING TAMI C. SOPER TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR A TWO-YEAR TERM EXPIRING MARCH 1, 2006 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82724 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Tami C. Soper to the Lincoln-Lancaster Women's Commission for a two-year term expiring March 1, 2006, is hereby approved.

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, MAY 10, 2004 AT 1:30 PM FOR A MANAGER APPLICATION OF THOMAS R. MCKITTERICK FOR COUNTRY CLUB OF LINCOLN DBA COUNTRY CLUB LOCATED AT 3200 SOUTH 24TH STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82725 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 10, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the Manager Application of Thomas R. McKitterick for Country Club of Lincoln dba Country Club located at 3200 South 24th Street.

Introduced by Terry Werner

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

PETITIONS & COMMUNICATIONS

FORMAL PAVING PETITION FOR ALLEY PAVING DISTRICT NO. 362-A FOR THE EAST/WEST ALLEY, 48TH TO 49TH STREETS, LOWELL TO MEREDETH STREETS, SUBMITTED BY OLLIE C. WITTMANN - CLERK presented said petition which was referred to the Law Department.

INFORMAL PETITION TO CREATE A SANITARY SEWER DISTRICT TO SERVE THE NORTHEAST, SOUTHEAST, AND SOUTHWEST CORNERS OF SOUTH 56TH AND PINE LAKE ROAD SUBMITTED BY BILL KREIN AND THE ASPEN PARTNERSHIP - CLERK presented said petition which was referred to the Public Works & Utilities Department.

THE FOLLOWING WERE REFERRED TO PLANNING DEPARTMENT:

- Change of Zone No. 04022 - Requested by ESP, Inc. from AG Agricultural District to H-3 Highway Commercial District, on property generally located at 4801 NW Highway 34.
- Change of Zone No. 04024 - Requested by the Director of Planning, for text and map amendments to Title 27 of the Lincoln Municipal Code (Zoning Ordinance) to adopt revised standards for the Airport Environs Noise District.
- Change of Zone No. 04025 - Requested by Dobson Bros. Construction Co, to amend Section 27.71.120 to the Lincoln Municipal Code, regarding the provisions for temporary concrete paving plants in any zoning district by administrative special permit.
- Change of Zone No. 04026 - Requested by Irvingdale Neighborhood Association and the Country Club Neighborhood Association, from R-4 Residential District to R-2 Residential District, on property generally located between South Street and Van Dorn Street, from South 17th Street to South 30th Street.
- Change of Zone No. 04027 - Requested by Black Hawk Investments LLC, from R-2 Residential District to O-2 Suburban Office District, on property generally located at South 48th Street and Pioneers Boulevard.
- Special Permit No. 1778B - Requested by Wapiti Enterprises, Inc. and TR Novak LLC, for the excavation of sand and gravel, on property generally located at North 56th Street and Arbor Road.
- City Special Permit No. 04008 - Requested by Brian D. Carstens on behalf of Full House LLC, for 9 dwelling units, with requests to waive sidewalks, street trees, street lighting, landscape screening, and block length, on property generally located SW 14th Street and Bennet Road.
- Special Permit No. 04018 - Requested by Studio NRG, for a private educational facility, on property generally located at 3901 North 27th Street.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 19, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF APRIL 12 THRU APRIL 16, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JANUARY/FEBRUARY/MARCH, 2004: BIRCH TELECOM INC, Z-TEL COM INC, AMERIVISION COM, INC; MARCH, 2004: VARTEC, NOSVA LIMITED PARTNERSHIP, SPRINT SPECTRUM, D & D COM INC, NEXTEL WEST CORP, ATT WIRELESS SERVICES, AFFINITY NETWORK, NOS COM, TRI-M COM INC, TELECORP COM INC, LDMI TELECOM INC, WORLDXCHANGE CORP, ASSOCIATION ADMINISTRATORS INC, LIGHTYEAR COM INC, GTC TELECOM CORP, ZONE TELECOM INC - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

AMENDING CHAPTER 26.07 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION DEFINITIONS BY ADDING A NEW SECTION NUMBERED 26.07.113 TO DEFINE "EXISTING URBAN AREA"; REPEALING SECTION 26.07.115 TO DELETE THE DEFINITION OF "FLOOD INSURANCE STUDY"; ADDING A NEW SECTION NUMBERED 26.07.116 TO DEFINE "FLOOD DESIGN CRITERIA"; RENUMBERING AND AMENDING SECTION 26.07.120 AS SECTION 26.07.117 TO REVISE THE DEFINITION OF "FLOODPLAIN"; ADDING A NEW SECTION NUMBERED 26.07.119 TO DEFINE "FLOODPRONE AREA"; AMENDING SECTION 26.07.126 TO REVISE THE DEFINITION OF "MINIMUM FLOOD CORRIDOR"; ADDING A NEW SECTION NUMBERED 26.07.127 TO DEFINE "NEW GROWTH AREAS"; RENUMBERING CURRENT SECTION 26.07.127 AS SECTION 26.07.130; RENUMBERING CURRENT SECTION 26.07.128 AS SECTION 26.07.135; AMENDING SECTION 26.07.240 TO REVISE THE DEFINITION OF "WASTEWATER WORKS" - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 26.07 of the Lincoln Municipal Code relating to Land Subdivision Definitions by adding a new section numbered 26.07.113 to define "existing urban area"; repealing Section 26.07.115 to delete the definition of "flood insurance study"; adding a new section numbered

26.07.116 to define "flood design criteria"; renumbering and amending Section 26.07.120 as Section 26.07.117 to revise the definition of "floodplain"; adding a new section numbered 26.07.119 to define "floodprone area"; amending Section 26.07.126 to revise the definition of "minimum flood corridor"; adding a new section numbered 26.07.127 to define "new growth areas"; renumbering current Section 26.07.127 as Section 26.07.130; renumbering current Section 26.07.128 as Section 26.07.135; amending Section 26.07.240 to revise the definition of "wastewater works"; and repealing Sections 26.07.115, 26.07.117, 26.07.126, and 26.07.240 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 26.15 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION, PRELIMINARY PLATS BY AMENDING SECTION 26.15.020 TO REQUIRE THE LOCATION OF EASEMENTS FOR MINIMUM FLOOD CORRIDORS AND OTHER ITEMS RELATED THERETO TO BE SHOWN ON THE PRELIMINARY PLAT; AMENDING SECTION 26.15.040 TO REQUIRE ADDITIONAL INFORMATION REGARDING FLOOD REGULATIONS FOR EXISTING URBAN AREA TO BE INCLUDED WITH THE PRELIMINARY PLAT; ADDING A NEW SECTION NUMBERED 26.15.050 TO REQUIRE ADDITIONAL INFORMATION REGARDING FLOOD REGULATIONS FOR NEW GROWTH AREAS TO BE INCLUDED WITH THE PRELIMINARY PLAT - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 26.15 of the Lincoln Municipal Code relating to Land Subdivision, Preliminary Plats by amending Section 26.15.020 to require the location of easements for minimum flood corridors and other items related thereto to be shown on the preliminary plat; amending Section 26.15.040 to require additional information regarding Flood Regulations for Existing Urban Area to be included with the preliminary plat; adding a new section numbered 26.15.050 to require additional information regarding Flood Regulations for New Growth Areas to be included with the preliminary plat; and repealing Sections 26.15.020 and 26.15.040 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 26.23 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION DEVELOPMENT STANDARDS BY AMENDING SECTION 26.23.120 TO REQUIRE EASEMENTS IN THE FLOODPLAIN OR FLOODPRONE AREA TO PRESERVE COMPENSATORY STORAGE, REQUIRE MINIMUM FLOOD CORRIDORS ALONG DRAINAGE WAYS WHICH HAVE A DEFINED BED AND BANK, AND TO PROVIDE WHEN ENCROACHMENTS INTO THE CORRIDOR ARE ALLOWED; AMENDING SECTION 26.23.181 TO REQUIRE SUBDIVISIONS WITHIN THE FLOODPLAIN IN EXISTING URBAN AREA TO MEET FLOOD REGULATIONS FOR EXISTING URBAN AREA; ADDING A NEW SECTION NUMBERED 26.23.185 TO REQUIRE SUBDIVISIONS IN THE FLOODPLAIN OR FLOODPRONE AREA IN NEW GROWTH AREAS TO MEET THE FLOOD REGULATIONS FOR NEW GROWTH AREAS - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 26.23 of the Lincoln Municipal Code relating to Land Subdivision Development Standards by amending Section 26.23.120 to require easements in the floodplain or floodprone area to preserve compensatory storage, require minimum flood corridors along drainage ways which have a defined bed and bank, and to provide when encroachments into the corridor are allowed; amending Section 26.23.181 to require subdivisions within the floodplain in Existing Urban Area to meet Flood Regulations for Existing Urban Area; adding a new section numbered 26.23.185 to require subdivisions in the floodplain or floodprone area in New Growth Areas to meet the Flood Regulations for New Growth Areas; and repealing Sections 26.23.120 and 26.23.181 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 26.24, FLOOD REGULATIONS FOR EXISTING URBAN AREA - CLERK read an ordinance, introduced by Terry Werner, amending Title 26 of the Lincoln Municipal Code by creating a new Chapter 26.24, Flood Regulations for Existing Urban Area, the first time.

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 26.25, FLOOD REGULATIONS FOR NEW GROWTH AREAS - CLERK read an ordinance, introduced by Terry Werner, amending Title 26 of the Lincoln Municipal Code by creating a new Chapter 26.25, Flood Regulations for New Growth Areas, the first time.

AMENDING SECTION 26.27.060 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION, MINIMUM IMPROVEMENTS TO REQUIRE THE APPLICABLE STANDARDS SET FORTH IN CHAPTERS 26.24 OR 26.25 TO BE MET IF THE LAND PREPARATION AND GRADING IS OCCURRING ON LAND LOCATED WITHIN THE FLOODPLAIN OR FLOODPRONE AREA - CLERK read an ordinance, introduced by Terry Werner, amending Section 26.27.060 of the Lincoln Municipal Code relating to Land Subdivision, Minimum Improvements to require the applicable standards set forth in Chapters 26.24 or 26.25 to be met if the land preparation and grading is occurring on land located within the floodplain or floodprone area; and repealing Section 26.27.060 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 27.03 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING CODE DEFINITIONS BY ADDING A NEW SECTION NUMBERED 27.03.218 TO DEFINE "EXISTING URBAN AREA"; ADDING A NEW SECTION NUMBERED 27.03.235 TO DEFINE "FLOOD DESIGN CRITERIA"; BY AMENDING SECTION 27.03.240 TO REVISE THE DEFINITION OF "FLOODPLAIN"; BY ADDING A NEW SECTION NUMBERED 27.03.418 TO DEFINE "MINIMUM FLOOD CORRIDOR"; BY ADDING A NEW SECTION NUMBERED 27.03.445 TO DEFINE "NEW GROWTH AREAS" - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 27.03 of the Lincoln Municipal Code relating to Zoning Code Definitions by adding a new section numbered 27.03.218 to define "existing urban area"; adding a new section numbered 27.03.235 to define "flood design criteria"; by amending Section 27.03.240 to revise the definition of "floodplain"; by adding a new section numbered 27.03.418 to define "minimum flood corridor"; by adding a new section numbered 27.03.445 to define "new growth areas"; and repealing Section 27.03.240 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 27.52, FLOOD REGULATIONS FOR EXISTING URBAN AREA - CLERK read an ordinance, introduced by Terry Werner, amending Title 27 of the Lincoln Municipal Code by adding a new Chapter 27.52, Flood Regulations for Existing Urban Area, the first time.

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 27.53, FLOOD REGULATIONS FOR NEW GROWTH AREAS AND REPEALING CHAPTER 27.55 OF THE LINCOLN MUNICIPAL CODE, FLOOD PLAIN DISTRICT, IN ITS ENTIRETY - CLERK read an ordinance, introduced by Terry Werner, amending Title 27 of the Lincoln Municipal Code by adding a new Chapter 27.53, Flood Regulations for New Growth Areas; and repealing Chapter 27.55 of the Lincoln Municipal Code, Flood Plain District, in its entirety, the first time.

AMENDING CHAPTER 27.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMMUNITY UNIT PLANS BY AMENDING SECTION 27.65.020 TO PROVIDE FOR A DWELLING UNIT BONUS IF A COMMUNITY UNIT PLAN WILL SUBSTANTIALLY PROTECT FLOODPLAIN OR FLOODPRONE AREAS; AMENDING SECTION 27.65.070 TO CHANGE A REFERENCE TO THE NEW CHAPTERS REGULATING DEVELOPMENT IN THE FLOODPLAIN OR FLOODPRONE AREAS - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 27.65 of the Lincoln Municipal Code relating to Community Unit Plans by amending Section 27.65.020 to provide for a dwelling unit bonus if a community unit plan will substantially protect floodplain or floodprone areas; amending Section 27.65.070 to change a reference to the new chapters regulating development in the floodplain or floodprone areas; and repealing Sections 27.65.020 and 27.65.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 27.81.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO GENERAL REGULATIONS OF THE ZONING CODE TO REQUIRE THE DRAINAGE AND GRADING PLAN TO INCLUDE PRESERVATION OF THE MINIMUM FLOOD CORRIDOR - CLERK read an ordinance, introduced by Terry Werner, amending Section 27.81.010 of the Lincoln Municipal Code relating to General Regulations of the Zoning Code to require the drainage and grading plan to include preservation of the minimum flood corridor; and repealing Section 27.81.010 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING

CHANGE OF ZONE 04014 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.31.030 TO DELETE THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES AS PERMITTED USES; BY AMENDING SECTION 27.31.040 TO ADD SAID USES AS PERMITTED CONDITIONAL USES AND TO PROVIDE CONDITIONS OF APPROVAL IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT; BY AMENDING SECTION 27.37.020 TO DELETE THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES AS PERMITTED USES; BY AMENDING SECTION 27.37.025 TO ADD SAID USES AS PERMITTED CONDITIONAL USES AND TO PROVIDE CONDITIONS OF APPROVAL IN THE B-5 PLANNED REGIONAL BUSINESS DISTRICT - CLERK read an ordinance, introduced by Patte Newman, amending Title 27 of the Lincoln Municipal Code to amend the conditions under which alcohol is allowed to be sold in the B-2 and B-5 zoning districts by amending Section 27.31.030 to delete the sale of alcoholic beverages for consumption on and off the premises as a permitted use in the B-2 Planned Neighborhood Business District; amending Section 27.31.040 to add said use as a permitted conditional use and to provide conditions of approval in the B-2 Regional Business District; amending Section 27.37.025 to add said use as a permitted conditional use and to provide conditions of approval in the B-5 Regional Business District; and repealing Sections 27.31.030, 27.31.040, 27.37.020 and 27.37.025 of the Lincoln Municipal Code as hitherto existing, the third time.

NEWMAN Moved to pass the ordinance as read.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18345, is recorded in Ordinance Book #25.

CHANGE OF ZONE 04016 - AMENDING SECTION 27.26.020 OF THE LINCOLN MUNICIPAL CODE TO ADD ADULT CARE CENTER AS A PERMITTED USE IN THE O-2 SUBURBAN OFFICE DISTRICT - CLERK read an ordinance, introduced by Patte Newman, amending Section 27.26.020 of the Lincoln Municipal Code to allow Adult Care Centers as a permitted use in the O-2 Suburban Office District; and repealing Section 27.26.020 of the Lincoln Municipal Code as hitherto existing, the third time.

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

The ordinance, being numbered #18346, is recorded in Ordinance Book #25.

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH BETWEEN CAPITAL IMPROVEMENT PROJECTS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT, URBAN DEVELOPMENT DEPARTMENT, AND PARKS & RECREATION DEPARTMENT AND DESIGNATING THE FUNDING SOURCE FOR STREET PROJECTS TO BE FUNDED FROM THE RECENT ISSUANCE OF HIGHWAY ALLOCATION BONDS IN FY 04/05 AND TRANSFERRING DOLLARS MADE AVAILABLE TO THOSE PROJECTS TO OTHER STREET PROJECTS WITHIN THE DEPARTMENT OF PUBLIC WORKS & UTILITIES - PRIOR to reading:

COOK Stated he wished to Split the Question. No Second Required.

The ordinance shall be split to reflect Bill No. 04-66A (Public Works & Utilities Department and Urban Development Department) and Bill No. 04-66B (Parks & Recreation Department)

Part A of Ordinance shall be separate, called Bill No. 04-66A, and include: Page 1, Lines 1 through 28; Page 2, Lines 1 through 33; Page 3, Lines 1 through 43; Page 4, Lines 1 through 8; Page 5, Lines 14 through 20.

Part B of Ordinance shall be separate, called Bill No. 04-66B, and include: Page 1, Lines 1 through 5; Page 4, Lines 9 through 38; Page 5, Lines 1 through 13.

Roll Call Vote on Final Question and carried: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

COOK Moved motion to Amend No. 2 to Bill No. 04-66A in the following manner: On page 1, at the end of line 23, add an * (asterisk).

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

COOK Moved to continue Public Hearing with Action on Bill No. 4-66B for 2 weeks to 5/10/01.

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

CLERK Read an ordinance, introduced Patte Newman, approving the transfer of unspent and unencumbered appropriations and cash (if any) between capital improvement projects and designation of funding sources for street projects due to the recent issuance of Highway Allocation Bonds within the Public Works and Utilities Department, Urban Development Department and Parks and Recreation Department, the third time. The ordinance, being numbered #18347A, is recorded in Ordinance Book #25.

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to May 3, 2004.
 Seconded by Cook & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on
 May 3, 2004.
 Seconded by Cook & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 2:13 P.M.

SVOBODA Moved to adjourn the City Council meeting of April 26, 2004.
 Seconded by Cook & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
 So ordered.

Joan E. Ross, CMC, City Clerk

Jamie Neddenriep, Senior Office Assistant

