

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 5, 2005 AT 1:30 P.M.**

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

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

NEWMAN Having been appointed to read the minutes of the City Council proceedings of November 28, 2005, reported having done so, found same correct.

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

PUBLIC HEARING

MANAGER APPLICATION OF MELISA R. ARNOLD FOR DAN MAC, INC. DBA THE KEG AT 104 N. 20TH STREET - Melisa R. Arnold, 104 N. 20th Street, took oath and came forward for approval.

This matter was taken under advisement.

MANAGER APPLICATION OF BRIAN BIERMAN FOR EMPIRE RESTAURANTS, INC. DBA TGI FRIDAY'S RESTAURANT AT 210 N. 48TH STREET - Brian Bierman, 210 N. 48th Street, took oath and came forward for approval.

This matter was taken under advisement.

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 - Marc Wullschleger, Director of Urban Development, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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;

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 - Scott Opfer, City Public Works Department, came forward to answer questions. Discussion followed.

Tom Casady, Chief of Police, came forward to answer Council questions. Further discussion followed.

This matter was taken under advisement.

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;

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 - Pat Birch, Architect with Schoenleber, Shriner & Hittle, 123 S. 84th St. Suite A, came forward representing the property owners and to answer questions. Discussion followed.

This matter was taken under advisement.

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 - Lynn Johnson, Director of Parks & Recreation, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING LUCKIE'S LOUNGE AT 1101 W. BOND AS A KENO SATELLITE SITE - John Hewitt, of Big Red Keno, came forward to answer questions.

This matter was taken under advisement.

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 - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing the applicant. Discussion followed.

Cecil Stewart, 125 N. 11th Street, came forward in opposition concerning safety and welfare, planning, philosophical and aesthetic issues. Further discussion followed.

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

Marvin Krout, Director of Planning, came forward to answer questions. Further discussion followed.

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

Greg Czaplewski, Planning Department, came forward to answer questions. Further discussion followed.

Mr. Hunzeker came forward in rebuttal. Further discussion followed.

Ms. Fleck-Tooze came forward to state new information states the site will be out of the flood plane in 2010.

Mark Whitehead, owner of Whitehead Oil Company, came forward to answer questions.

Marc Wullschleger, Director of Urban Development, came forward to answer Council questions.

PRELIMINARY PLAT NO. 05009 - APPLICATION OF LINCOLN NORTH CREEK, LLC TO DEVELOP WEST HOBELMAN ADDITION CONSISTING OF EIGHT COMMERCIAL AND INDUSTRIAL LOTS, INCLUDING WAIVERS AND MODIFICATIONS TO ALLOW SANITARY SEWER TO RUN OPPOSITE STREET GRADE; TO ELIMINATE ON-SITE DETENTION; TO CONSTRUCT SANITARY SEWER ON THE EAST SIDE OF S.W. 14TH PLACE; TO CONSTRUCT WATER ON THE WEST SIDE OF S.W. 14TH PLACE; AND TO ELIMINATE THE REQUIREMENT TO PROVIDE STREET ACCESS TO ADJOINING PROPERTY ON PROPERTY GENERALLY LOCATED AT S.W. 14TH PLACE AND WEST O STREET - Bob Lewis of Engineering Design Consultants, representing the applicant, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 3:56 P.M.

RECONVENED 4:10 P.M.

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

MISCELLANEOUS - NONE

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF MELISA R. ARNOLD FOR DAN MAC, INC. DBA THE KEG AT 104 N. 20TH STREET- CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83661 WHEREAS, Dan Mac, Inc. dba The Keg located at 104 N. 20th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Melisa R. Arnold be named manager;

WHEREAS, Melisa R. Arnold 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 Melisa R. Arnold 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 Dan Marvin

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

MANAGER APPLICATION OF BRIAN BIERMAN FOR EMPIRE RESTAURANTS, INC. DBA TGI FRIDAY'S RESTAURANT AT 210 N. 48TH STREET - CLERK read the following resolution, introduced by Marvin, who moved its adoption:

A-83662 WHEREAS, Empire Restaurants, Inc. dba TGI Friday's Restaurant located at 210 N. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Brian Bierman be named manager;

WHEREAS, Brian Bierman 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 Brian Bierman 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 Dan Marvin

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

ORDINANCES - 2ND READING & RESOLUTIONS

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 second time.

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 second time.

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 second time.

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 second time.

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.

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 second time.

RESOLUTIONS

APPROVING LUCKIE'S LOUNGE AT 1101 W. BOND AS A KENO SATELLITE SITE. HEARING ON THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2006 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83663 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Luckie's Lounge, 1101 W. Bond, Lincoln, NE 68521.

The City Clerk is directed to return an executed copy of this Resolution to Luckie's Lounge, and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Annette McRoy

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 1 - 15, 2005 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83664 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 November 16, 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		ALLOWED OR SETTLED	
Kevin & Lauren Connick	NAS*	State Farm Insurance (Claim #27-7708-188)	
Edward Weisser	\$ 116.00	and Christine Gillespie	\$3,677.56
Amy Best	442.25	James L. Wortman/J&M Foundations	2,000.00
Transport Plus	NAS*	Melissa Eckert	5,000.00
Alexa Duffy	1,072.69	Stacy Mueller	794.20
		Motor Club Insurance Association	1,315.00
		Dorothy Porath	1,252.38
		Teri Chambers	1,420.61
		Jessica Bixenmann	1,639.28
		Jack Peters	310.09
		Michael & Judy McMeekin	329.18
		Jeffrey Needels	531.30

*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 Patte Newman

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

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 - PRIOR to reading:

COOK Moved to continue public hearing on Bill No. 05R-287 to December 12, 2005.

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

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

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

Due to a tie vote, action was delayed on this item for one week to December 12, 2005.

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS TO ALLOW THE CITY TO USE LPS BUSES FOR EMERGENCY EVACUATION OF MEMBERS OF THE PUBLIC DURING EMERGENCY OR CRISIS SITUATIONS THAT POSE A THREAT TO THEIR HEALTH, SAFETY, OR WELL-BEING - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83665 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract for Emergency Use of School Bus between the City of Lincoln, Nebraska and Lancaster County School District 55-0001, aka Lincoln Public Schools, to allow the City to use Lincoln Public Schools buses for emergency evacuation of members of the public during emergency or crisis situations that pose a threat to their health, safety, or well-being, upon the terms and conditions set forth in said Contract, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to forward one fully executed original of said Agreement to Larry Worth, StarTran, for transmittal to Lincoln Public Schools.

Introduced by Patte Newman

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

PRELIMINARY PLAT NO. 05009 - APPLICATION OF LINCOLN NORTH CREEK, LLC TO DEVELOP WEST HOBELMAN ADDITION CONSISTING OF EIGHT COMMERCIAL AND INDUSTRIAL LOTS, INCLUDING WAIVERS AND MODIFICATIONS TO ALLOW SANITARY SEWER TO RUN OPPOSITE STREET GRADE; TO ELIMINATE ON-SITE DETENTION; TO CONSTRUCT SANITARY SEWER ON THE EAST SIDE OF S.W. 14TH PLACE; TO CONSTRUCT WATER ON THE WEST SIDE OF S.W. 14TH PLACE; AND TO ELIMINATE THE REQUIREMENT TO PROVIDE STREET ACCESS TO ADJOINING PROPERTY ON PROPERTY GENERALLY LOCATED AT S.W. 14TH PLACE AND WEST O STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83666 WHEREAS, Lincoln North Creek, LLC has submitted the preliminary plat of West Hobelman Addition for acceptance and approval, together with a request to waive City of Lincoln Design Standards and Land Subdivision Ordinance requirements to allow sanitary sewer to run opposite street grade, to eliminate on-site detention, to construct sanitary sewer on the east side of S.W. 14th Place, to construct water on the west side of S.W. 14th Place, and to eliminate street access to adjoining property, on property generally located at S.W. 14th Place and West O Street; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and has recommended conditional approval of said plat.

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

That the preliminary plat of West Hobelman Addition, located west of S.W. 14th Place and West O Street as submitted by Lincoln North Creek, LLC, is hereby accepted and approved, subject to the following terms and conditions:

1. Complete the following instructions and submit revised documents and plans along with 6 copies to the Planning Department office. Once approved, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval. These documents and plans are required by ordinance or design standards. Revise the preliminary plat as follows:

a. Complete revisions and provide documentation as requested in Analysis paragraph 6 of the June 10, 2005 Lincoln City/Lancaster County Planning Staff Report prepared by Greg Czaplewski, to the satisfaction of the Public Works and Parks and Recreation Departments, except #6.3 and #6.4.

b. Add as note indicating street trees will be shown with final plats.

c. Show required LES easements.

d. List all waivers that are granted.

- e. Show sanitary sewer constructed at minimum grade and less than 15 feet below grade, unless the waiver request is approved by City Council.
2. Final Plats will be approved by the Planning Director after:
 - a. The public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
 - b. The easternmost existing driveway return is removed and replaced with curb, gutter, and sidewalk or a bond is posted to guarantee the completion of such work.
3. The City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:
 - a. The requirement of Section 3.6 of the Sanitary Design Standards that the slope of the sanitary sewer should parallel the slope of the street is waived to allow the construction of sanitary sewer running opposite street grades as shown, provided that the maximum depth of sanitary sewer mains are not exceeded as a result of this waiver.
 - b. The requirement of Section 4.1 of the Storm Water Design Standards requiring on-site detention is hereby waived.
 - c. The requirement of Section 3.4 of the Sanitary Sewer Design Standards that sanitary sewers should generally be located on the west side of the street is hereby waived to allow sanitary sewer on the east side of S.W. 14th Place.
 - d. The requirement of Section 3.2 of the Water Main Design Standards that water mains be located on the east side of the street is hereby waived to allow water mains to be constructed on the west side of S.W. 14th Place.
 - e. The requirement of Lincoln Municipal Code Section 26.23.030 that where there are no adjoining subdivisions in existence at the time of subdivision review, proper projection of streets from the subdivision into adjacent land should be provided by the subdivider is hereby waived.

Introduced by Patte Newman

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, DECEMBER 19, 2005 AT 1:30 P.M. FOR A MANAGER APP. 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 Jonathan Cook, who moved its adoption:

A-83668 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 19, 2005, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Manager Application of Keith Dragoo, for Red Robin International, Inc. dba Red Robin America's Gourmet Burgers & Spirits located at 2707 Pine Lake Road.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 19, 2005 AT 1:30 P.M. FOR APP. OF MARTI'S INC DBA MARTI'S BAR & GRILL FOR A CLASS "C" LIQUOR LICENSE AT 1409 O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83669 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 19, 2005, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Class "C" Liquor License Application of Marti's, Inc. dba Marti's Bar & Grill located at 1409 "O" Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 19, 2005 AT 1:30 P.M. FOR APP. OF THE WATERING HOLE WEST FOR A CLASS "C" LIQUOR LICENSE AT 1550 CODDINGTON AVE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83670 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 19, 2005, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Class "C" Liquor License Application of Bugeater Investments, Inc. dba The Watering Hole West located at 1550 Coddington Ave.

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

Introduced by Jonathan Cook

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

REPORTS OF CITY OFFICERS

REPORT FROM CITY TREASURER FOR CASH ON HAND AT THE CLOSE OF BUSINESS OCTOBER 31, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON NOVEMBER 28, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED OCTOBER 31, 2005 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83667 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended October 31, 2005, \$824,096.98 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR NOVEMBER 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

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, AN ORDINANCE 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 first 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, AN ORDINANCE 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 first 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, AN ORDINANCE 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 first 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, AN ORDINANCE 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 first 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).

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).

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, AN ORDINANCE 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 first time.

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.

MISCELLANEOUS BUSINESS

PENDING -

COOK Moved to extend the Pending List to December 12, 2005.
Seconded by Marvin & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Camp.

UPCOMING RESOLUTIONS -

COOK Moved to approve the resolutions to have Public Hearing on December 12, 2005.
Seconded by Marvin & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Camp.

ADJOURNMENT 4:31 P.M.

COOK Moved to adjourn the City Council meeting of December 5, 2005.
Seconded by Marvin & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Camp.
So ordered.

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Sandy L. Dubas, Senior Office Assistant

