

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JANUARY 9, 2006 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**

MARVIN Having been appointed to read the minutes of the City Council proceedings of December 19, 2005, reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Seng came forward to present the November Mayor's Award of Excellence to Barbara Anderson of Urban Development in the category of Customer Relations.

Marc Wullschleger, Director of Urban Development, came forward to state that Barb deals with a lot of stressful situations, but takes the time to listen and help her clients.

This matter was taken under advisement.

**PUBLIC HEARING**

APPLICATION OF EIGER CORPORATION DBA PRAIRIE LAKE MOBILE FOR A CLASS D LIQUOR LICENSE AT 8600 AMBER HILL COURT:

MANAGER APPLICATION OF STANLEY R. MILLS, SR. FOR EIGER CORPORATION DBA PRAIRIE LAKE MOBILE AT 8600 AMBER HILL COURT - DaNay Kalkowski, 1111 Lincoln Mall, Ste. 350, took oath and came forward representing Eiger Corporation to answer any questions.

Stan Mills, President of Eiger Corporation, took oath and was available to answer questions.

This matter was taken under advisement.

APPLICATION OF GAS 'N SHOP, INC. DBA DISCOUNT CITY FOR A CLASS D LIQUOR LICENSE AT 5560 SOUTH 48TH STREET;

MANAGER APPLICATION OF ANGELA L. COFFEY FOR GAS 'N SHOP, INC. DBA DISCOUNT CITY AT 5560 SOUTH 48TH STREET - Angela Coffey, 12205 West Bluff Rd., Malcolm, took oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF B&R STORES, INC. DBA RB'S LIQUOR STORE FOR RECONSTRUCTION OF ITS PRESENTLY LICENSED CLASS D PREMISES TO READ AS THE ENTIRE ONE STORY BUILDING MEASURING APPROXIMATELY 235 FEET BY 164 FEET AT 1709 WASHINGTON STREET - Jane Raybould, B & R Stores, 3015 S. 20<sup>th</sup> St., took oath and came forward to state they are expanding 1000 square feet at a cost of \$1.5 million. Discussion followed.

This matter was taken under advisement.

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND THE HICKMAN PRESBYTERIAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 300 E. 3RD STREET, HICKMAN, NE. - Dan Marvin, Council Member, asked why the Council approves issues for as little as \$480?

Dana Roper, City Attorney, stated it was because it is a lease & and the Charter states when we are leasing property the Council must approve it. We proposed an Interlocal to the County that would allow these to be done without coming to Council, but the County has not been inclined to adopt the Interlocal.

This matter was taken under advisement.

STREET NAME CHANGE 05008 - RENAMING WEST PEMBERLY LANE LOCATED NORTH FROM HIGHLAND BOULEVARD IN BARON'S RIDGE ADDITION AS NORTHWEST PEMBERLY LANE - Ray Hill, Planning Dept., came forward to answer any questions.

This matter was taken under advisement.

STREET VACATION 05011 - VACATING THE ~~WEST~~ EAST SEVEN (7) FEET OF 23RD STREET BETWEEN VINE AND U STREETS - Mike Morosin, 2055 "S" Street, came forward to ask what the purpose and benefit of this vacation was since parking was already a problem in this area.

Ray Hill, Planning Dept., stated this vacation will not change the street configuration at all. The right-of-way is larger than the typical residential street and they are vacating a portion of it to allow for the completion of the redevelopment project between 23<sup>rd</sup> & 24<sup>th</sup> Street.

Patti Newman, Council Member, asked Mr. Hill to address the sidewalk issue.

Mr. Hill stated the sidewalk issue is resolved so there are sidewalks serving the entire block.

This matter was taken under advisement.

AUTHORIZING ACCEPTANCE OF A DONATION OF APPROXIMATELY 8.3 ACRES OF LAND FOR EXTENSION OF THE ANTELOPE CREEK TRAIL AND OPEN SPACE GENERALLY LOCATED ALONG ANTELOPE CREEK NORTHERLY OF PIONEERS BLVD. - Terry Genrich, Parks and Recreation Department, stated funding is in place to actually build this trail all the way from Holmes Lake to Highway 2. Mr. Hamann has donated the property needed for an easement across his property plus some additional land for the improvement of Holmes Lake Watershed and Antelope Creek.

This matter was taken under advisement.

MARVIN Moved to waive the rules to have public hearing and action on Bill No. 06R-4 this date.

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

AUTHORIZING THE USE OF PUBLIC RIGHT-OF-WAY BY THE LINCOLN ARTS COUNCIL TO TEMPORARILY PLACE 22 PIECES OF SCULPTURE AND OTHER ART FORMS COMMISSIONED AS PART OF THE YWCA'S STARART PROJECT AT VARIOUS LOCATIONS IN LINCOLN - Liz Shea-McCoy, 2700 Sheridan Blvd., stated this is not a Lincoln Arts Council Project it is a public arts project sponsored by the YWCA.

Tari Hendrichsen-Sweeney, 3310 S. 27<sup>th</sup> Street, YWCA staff member, acknowledged the helpfulness of the Public Works Department and the Parks and Recreation Department. The funds are to be used for the YWCA Outreach Program and the artists.

This matter was taken under advisement.

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

#### MISCELLANEOUS

Mike Morosin, 2055 "S" Street, came forward to welcome the City Council back from the holidays.

This matter was taken under advisement.

### COUNCIL ACTION

#### LIQUOR RESOLUTIONS

APPLICATION OF EIGER CORPORATION DBA PRAIRIE LAKE MOBILE FOR A CLASS D LIQUOR LICENSE AT 8600 AMBER HILL COURT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83692 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 Eiger Corporation dba Prairie Lake Mobile for a Class "D" liquor license at 8600 Amber Hill Court, Lincoln, Nebraska, for the license period ending April 30, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF STANLEY R. MILLS, SR. FOR EIGER CORPORATION DBA PRAIRIE LAKE MOBILE AT 8600 AMBER HILL COURT - - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83693 WHEREAS, Eiger Corporation dba Prairie Lake Mobile located at 8600 Amber Hill Court, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Stanley R. Mills, Sr. be named manager;

WHEREAS, Stanley R. Mills, Sr. 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 Stanley R. Mills, Sr. be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF GAS 'N SHOP, INC. DBA DISCOUNT CITY FOR A CLASS D LIQUOR LICENSE AT 5560 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83694 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 Gas 'N Shop, Inc. dba Discount City for a Class "D" liquor license at 5560 South 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF ANGELA L. COFFEY FOR GAS 'N SHOP, INC. DBA DISCOUNT CITY AT 5560 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83695 WHEREAS, Gas 'N Shop, Inc. dba Discount City located at 5560 South 48th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Angela L. Coffey be named manager;

WHEREAS, Angela L. Coffey 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 Angela L. Coffey be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF B&R STORES, INC. DBA RB'S LIQUOR STORE FOR RECONSTRUCTION OF ITS PRESENTLY LICENSED CLASS D PREMISES TO READ AS THE ENTIRE ONE STORY BUILDING MEASURING APPROXIMATELY 235 FEET BY 164 FEET AT 1709 WASHINGTON STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83696 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 B&R Stores, Inc. dba RB's Liquor Store for reconstruction of its licensed Class D premises to read as the entire one story building measuring approximately 235 feet by 164 feet located at 1709

Washington Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

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

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

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

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

#### RESOLUTIONS

AUTHORIZING ACCEPTANCE OF A DONATION OF APPROXIMATELY 8.3 ACRES OF LAND FOR EXTENSION OF THE ANTELOPE CREEK TRAIL AND OPEN SPACE GENERALLY LOCATED ALONG ANTELOPE CREEK NORTHERLY OF PIONEERS BLVD. - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83708 WHEREAS, Donald D. Hamann as trustee of the Phoebe D. Hamann QTIP Trust has offered to donate approximately 8.3 acres of land located along Antelope Creek generally north of Pioneers Blvd. to the City of Lincoln for use by the Parks and Recreation Department as the route for extension of the Antelope Creek Trail and as open space within the Holmes Lake Watershed; and

WHEREAS, acquisition of this tract of land by the City would further accomplish the goals of the Comprehensive Plan relating to parks, trails and open space; and

WHEREAS, the City has applied for and received approval of Federal Transportation Enhancement Funds to construct the first phase of this trail and acceptance of the donation of the subject property secures the needed right-of-way for the northern section of the trail; and

WHEREAS, public maintenance of this section of Antelope Creek is consistent with the intent to implement best management practices within the Holmes Lake Watershed.

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

That, on behalf of the City of Lincoln, Nebraska, the City Council hereby accepts the offer to donate a tract of land as legally described in the Deed of Dedication attached hereto for public park purposes and subject to the terms and conditions contained in said Deed of Dedication from Donald D. Hamann as trustee of the Phoebe D. Hamann QTIP Trust.

BE IT FURTHER RESOLVED that the City Council, on behalf of the City of Lincoln, Nebraska, and its citizens, does hereby express its appreciation and gratitude to Donald D. Hamann as trustee of the Phoebe D. Hamann QTIP Trust for its most gracious donation.

Introduced by Dan Marvin

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

AUTHORIZING THE USE OF PUBLIC RIGHT-OF-WAY BY THE LINCOLN ARTS COUNCIL TO TEMPORARILY PLACE 22 PIECES OF SCULPTURE AND OTHER ART FORMS COMMISSIONED AS PART OF THE YWCA'S STARART PROJECT AT VARIOUS LOCATIONS IN LINCOLN - PRIOR to reading:

MARVIN Moved to waive the rules to have public hearing and action on Bill No. 06R-4 this date.

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

COOK Moved to amend Bill No. 06R-4 on page 2, after line 22 insert a new paragraph as follows:

1. The Public Works Department and/or Parks and Recreation Department shall have the authority to remove any piece of art that it, in its sole determination, believes endangers the public health, safety, or welfare.

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

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83697 WHEREAS, the Lincoln YWCA has submitted an application pursuant to Chapter 14.56 of the Lincoln Municipal Code to use certain portions of the public right-of-way at various sites in Lincoln for the placement of 22 pieces of sculpture and other forms of art commissioned as part of the YWCA's StarArt project for a period from January 2006 through April 2006; and

WHEREAS, said application has been reviewed by the Public Works Department and the Urban Design Committee which have recommended approval of said application.

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

That the application of the Lincoln YWCA, hereinafter referred to as Permittee, for a permit to install 22 pieces of sculpture and other forms of art as part of the YWCA StarArt project upon portions of the public right-of-way at various locations in Lincoln as set out on the attached site maps is approved pursuant to Chapter 14.56 of the Lincoln Municipal Code subject to the following conditions:

a. That such space shall only be used for the works of art specified on the permit in accordance with the requirements of Chapter 14.56.

b. That such use is temporary and that the user requires no right, title, or interest in the space permitted to be used.

c. That the space granted hereunder shall be vacated upon demand by the City Council and its use discontinued by the Permittee, with no recourse against the City for any loss or damage occasioned by any such requirement.

d. That if any such space not be vacated and such use not be discontinued by the time specified, the City may remove from such space any work left thereon at the risk and expense of the Permittee.

e. That the permit issued pursuant to this Section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.

f. No advertising shall be permitted on any work of art except to identify the work, the name of the artist, and donor of the work of art, and shall in all respects comply with the provisions of Titles 22 and 27 of this Code regulating signage.

g. The work of art shall be located only in the exact location described in the application.

h. The Permittee shall be responsible for any damage or repairs to public property caused by the installation or removal of any work of art.

i. All installations shall be under the supervision of the City Sidewalk Inspector and the City Sidewalk Inspector shall determine the method of placement of the work of art or any supporting, anchoring, or enclosing structure for the work of art requiring placement in the sidewalk or other right-of-way surface.

j. The Urban Development Department shall monitor the condition of the work of art. The Permittee shall be responsible for properly maintaining the work of art so as to preserve its quality and value.

k. The Permittee shall be responsible for any authorized removal or pruning of trees or shrubs and such work shall only be done by a licensed and insured arborist.

The Permittee shall sign and return the City's letter of acceptance to the City Clerk prior to placement of the works of art in the public right-of-way.

Introduced by Annette McRoy

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

**PETITIONS & COMMUNICATIONS**

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 05078 - App. of Director of Planning Dept. for an amendment to Sections 27.37.020, 27.37.030 and 27.63.630 of the Lincoln Municipal Code as it relates to the regulation of theater complexes.

Special Permit 1866A - Administrative amendment to Special Permit #1866 requested by Alltel Communications of Nebraska, Inc. to allow an extension of a wireless facility on property at 2401 N. 48<sup>th</sup> Street.

SETTING THE HEARING DATE OF MONDAY, JANUARY 30, 2006 AT 5:30 P.M. FOR THE APP. OF PARKER'S RIB RANCH DBA RIB RANCH FOR A CLASS I LIQUOR LICENSE AT 6440 O STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83698 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 30, 2006 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Parker's Rib Ranch dba Rib Ranch for a Class I liquor license at 6440 O Street.

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

Introduced by Annette McRoy

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

**REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON DECEMBER 19, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS NOVEMBER 30, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED NOVEMBER 30, 2005 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83699 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended November 30, 2005, \$660,775.72 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 Annette McRoy

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY RECEIPTS FOR NOVEMBER 2005 REVISED TO REFLECT 30 DAYS IN NOVEMBER INSTEAD OF 31 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

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

REPORT FROM LINCOLN WATER SYSTEM OF FINANCIAL STATEMENTS & SCHEDULES FOR THE FISCAL YEAR ENDED AUGUST 31, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF OCTOBER, 2005: NEW CINGULAR, CRICKET, AT&T COMM. OF MIDWEST, USCOC FO GREATER IOWA, CELLULAR ONE, NEBRASKA TECHNOLOGY & TELECOMM., 360NETWORKS (USA), ONSTAR, TANS NAT'L COMM. INTERNATIONAL, BELL-ATLANTIC, QWEST, VIRGIN MOBILE USA, WORKING ASSETS, TELECORP, BUSINESS PRODUCTS SOLUTIONS, LIBERTY WIRELESS, UCN, BT AMERICAS, NORSTAN NETWORK, GLOBAL CROSSING, CINCINNATI BELL ANY DISTANCE, XO COMM., VERIZON SELECT, VOICECOM, PRIMIS, ADVANCED TEL, MCLEODUSA, ACN, INTELICALL, NETWORK BILLING, ONE CALL, GUARANTEED PHONE, BROADWING, TRACFONE WIRELESS, KDDI AMERICA, T-NETIX, IBM GLOBAL, QUANTUM SHIFT; NOVEMBER 2005: NEXTEL PARTNERS, MCI WORLDCOM, SPRINT SPECTRUM, SPRINT COMM, CELLULAR ONE, TWC INFO, ALLTEL COMM. OF NEBRASKA, ALLTEL SYSTEMS OF MIDWEST, ALLTEL

NEBRASKA, SBC LONG DISTANCE, TRI-M, ACCERIS MANAGEMENT & ACQUISITION, LDMI, NOS, GTC, ZONE TELECOM., LIGHTYEAR NETWORK SOLUTIONS, GLOBALCOM, AFFINITY, NEXTEL WEST, NORSTAN NETWORK, EXCEL, 360NETWORKS (USA), VARTEC, NOSVA, ACCERIS, ATS MOBILE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

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

APPOINTING KACI LYNCH AND GIOVANNI JONES TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR TWO-YEAR TERMS EXPIRING JANUARY 1, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83700 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Kaci Lynch and Giovanni Jones to the Lincoln-Lancaster Women's Commission for two-year terms expiring January 1, 2008 is hereby approved.

Introduced by Dan Marvin

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

REAPPOINTING JEANNINE FALTER AND BETHINA MOORE TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR TWO-YEAR TERMS EXPIRING JANUARY 1, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83701 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jeannine Falter and Bethina Moore to the Lincoln-Lancaster Women's Commission for two-year terms expiring January 1, 2008 is hereby approved.

Introduced by Dan Marvin

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

REAPPOINTING PATTY MCMANUS TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83702 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Patty McManus to the Lincoln Electric System Administrative Board for a three-year term expiring December 31, 2008 is hereby approved.

Introduced by Dan Marvin

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

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

AMENDING ORDINANCE NO. 18493, PASSED BY THE CITY COUNCIL ON JANUARY 31, 2005, TO CORRECT THE LEGAL DESCRIPTION FOR THE VACATION OF NORTH 44TH STREET TO MOVE THE BEGINNING POINT FOR THE VACATION OF WALKER AVENUE 50 FEET EAST OF THE EAST LINE OF N. 43RD STREET IN ORDER TO RETAIN ACCESS TO WALKER AVENUE FOR LOTS 6 AND 7, BLOCK 43, PITCHER & BALDWIN'S 2ND ADDITION TO UNIVERSITY PLACE - CLERK read an ordinance, introduced by Annette McRoy, amending Ordinance 18493 passed by the City Council of the City of Lincoln, Nebraska on January 31, 2005, as amended by Ordinance No. 18538 passed by the City Council of the City of Lincoln on May 16, 2005, vacating a portion G.M. Barnes Subdivision, Pitcher and Baldwin's Second Addition to University Place, and University Place Addition located within the UNL East Campus and vacating portions of Leighton Avenue, North 40<sup>th</sup> Street, North 41<sup>st</sup> Street, North 42<sup>nd</sup> Street, North 43<sup>rd</sup> Street, North 44<sup>th</sup> Street and Walker Avenue, generally located between North 33<sup>rd</sup> Street and North 45<sup>th</sup> Street and between Leighton Avenue and Huntington Avenue, Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Nebraska, the first time.

CHANGE OF ZONE 05042 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 14TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 06-3, 06R-8) - 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 first time.

USE PERMIT 89C - APPLICATION OF RIDGE DEVELOPMENT COMPANY TO DEVELOP 183,980 SQ. FT. OF RETAIL, RESTAURANT, BANK AND OFFICE USES, WITH ADJUSTMENTS TO THE REQUIRED YARD SETBACKS AND TO ALLOW LOTS WITHOUT FRONTAGE TO A PUBLIC STREET OR PRIVATE ROADWAY, ON PROPERTY GENERALLY LOCATED AT SOUTH 14TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 06-3, 06R-8) (ACTION DATE: 1/30/06).

STREET NAME CHANGE 05009 - RENAMING WILDRYE DRIVE AS WILDRYE ROAD IN FALLBROOK 12TH ADDITION - CLERK read an ordinance, introduced by Annette McRoy, changing the name of Wildrye Drive to Wildrye Road located in Fallbrook 12<sup>th</sup> Addition as recommended by the Street Name Committee, the first time.

CHANGE OF ZONE 04066 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTIONS 27.26.080, 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070, 27.47.070, 27.49.080, AND 27.51.090 TO REDUCE THE REQUIRED FRONT YARD IN THE B-2, B-5, H-1, H-2, H-3, H-4, I-2, AND I-3 ZONING DISTRICTS TO 20 FEET, AND TO PROVIDE IN THE O-2, B-2, B-5, H-4, I-1, I-2, AND I-3 DISTRICTS THAT ANY DRIVEWAYS WHICH INTERSECT THE FRONT YARD SHALL BE PERPENDICULAR TO THE STREET; BY AMENDING SECTION 27.67.030 TO ELIMINATE PARKING IN THE FRONT YARD IN THE I-2 ZONING DISTRICT; AND BY AMENDING SECTIONS 27.29.080, 27.33.080, 27.39.070, 27.41.080, AND 27.43.080 TO REQUIRE A SIX-FOOT LANDSCAPE STRIP ON EACH SIDE OF A LOT ABUTTING A PUBLIC STREET OR PRIVATE ROADWAY IN THE B-1, B-3, H-1, H-2, AND H-3 ZONING DISTRICTS; BY AMENDING SECTION 27.71.030 TO ELIMINATE DRIVEWAYS IN THE FRONT AND SIDE YARDS WHEN USED TO PROVIDE ACCESS TO GASOLINE PUMP ISLANDS, TO ELIMINATE DRIVEWAYS IN FRONT AND SIDE YARDS IN THE B-1, H-1, H-2, OR H-3 ZONING DISTRICTS, AND TO ELIMINATE VEHICLE STACKING FOR DRIVE-IN FACILITIES WITHIN THE REQUIRED SIDE YARD; BY REPEALING SECTION 27.71.035 TO ELIMINATE GASOLINE PUMPS IN THE FRONT YARD; BY ADDING NEW SECTIONS NUMBERED 27.26.065, 27.27.055, 27.28.065, 27.29.065, 27.31.075, 27.33.065, 27.37.045, 27.39.055, 27.41.065, 27.43.065, 27.45.055, 27.47.055, 27.49.065, AND 27.51.075 TO ADD PEDESTRIAN CIRCULATION REGULATIONS IN THE O-2, O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, AND I-3 ZONING DISTRICTS, RESPECTIVELY; BY AMENDING SECTIONS 27.63.080 AND 27.63.200 TO REQUIRE HEALTH CARE FACILITIES AND CLUBS TO CONSTRUCT ON-SITE PEDESTRIAN CIRCULATION SIDEWALK SYSTEMS; AMENDING SECTION 27.81.010 TO CLARIFY THAT NO BUILDING SHALL BE ERECTED, ENLARGED OR RECONSTRUCTED NOR SHALL ANY STRUCTURE OR LAND BE USED EXCEPT IN CONFORMANCE WITH THE DESIGN STANDARDS FOR ZONING REGULATIONS AND TO GOVERN PEDESTRIAN CIRCULATION. (RELATED ITEMS: 06-5, 06R-9, 06-6) - CLERK read an ordinance, introduced by Annette McRoy, amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Sections 27.26.080, 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070, 27.47.070, 27.49.080, and 27.51.090 to reduce the required front yard in the B-2, B-5, H-1, H-2, H-3, H-4, I-2, and I-3 zoning districts to 20 feet, and to provide in the O-2, B-2, B-5, H-4, I-1, I-2, and I-3 districts that any driveways which intersect the front yard shall be perpendicular to the street; by amending section 27.67.030 to eliminate parking in the front yard in the I-2 zoning district; and by amending sections 27.29.080, 27.33.080, 27.39.070, 27.41.080, and 27.43.080 to require a six-foot landscape strip on each side of a lot abutting a public street or private roadway in the B-1, B-3, H-1, H-2, and H-3 zoning districts; by amending Section 27.71.030 to eliminate driveways in the front and side yards when used to provide access to gasoline pump islands, to eliminate driveways in front and side yards in the B-1, H-1, H-2, or H-3 zoning districts, and to eliminate vehicle stacking for drive-in facilities within the required side yard; by repealing Section 27.71.035 to eliminate gasoline pumps in the front yard; by adding new Sections numbered 27.26.065, 27.27.055, 27.28.065, 27.29.065, 27.31.075, 27.33.065, 27.37.045, 27.39.055, 27.41.065, 27.43.065, 27.45.055, 27.47.055, 27.49.065, and 27.51.075 to add pedestrian circulation regulations in the O-2, O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts, respectively; by amending Sections 27.63.080 and 27.63.200 to require health care facilities and clubs to construct on-site pedestrian circulation sidewalk systems; amending Section 27.81.010 to clarify that no building shall be erected, enlarged or reconstructed nor shall any structure or land be used except in conformance with the design standards for zoning regulations and to govern pedestrian circulation, the first time.

- MISC. 04015 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS CHAPTER 1.00 - REQUEST FOR WAIVER PROCEDURE, TO REVISE SECTION 1 TO ONLY REQUIRE THAT IMPROVEMENTS SUBSTANTIALLY CONFORM TO DESIGN STANDARDS, TO REVISE SECTION 2 TO ALLOW THE PLANNING DIRECTOR TO APPROVE REQUESTS FOR WAIVERS FROM THE DESIGN STANDARDS, BY ADDING A NEW SECTION 2.1.1 TO PROVIDE FOR AN APPEAL TO THE PLANNING COMMISSION FROM ACTION OF THE PLANNING DIRECTOR APPROVING OR DENYING A REQUEST FOR WAIVER FROM DESIGN STANDARDS, TO REVISE SECTION 2.1.2 TO PROVIDE FOR AN APPEAL TO THE CITY COUNCIL FROM ACTION OF THE PLANNING COMMISSION APPROVING OR DENYING A REQUEST FOR WAIVER OF THE DESIGN STANDARDS, BY REPEALING SECTION 2.2 IN ITS ENTIRETY; AMENDING CHAPTER 3.45 - DESIGN STANDARDS FOR PARKING LOTS, TO REVISE SECTION 3.6 TO PROVIDE THAT PARKING LOTS SHALL BE SCREENED IN ACCORDANCE WITH SECTION 7.1 OF CHAPTER 3.50 OF THE CITY OF LINCOLN DESIGN STANDARDS; AMENDING CHAPTER 3.50 - DESIGN STANDARDS FOR SCREENING AND LANDSCAPING TO REVISE SECTION 3 TO REQUIRE THE LANDSCAPE PLAN TO INCLUDE THE MATURE HEIGHT AND SPREAD OF PLANT MATERIAL AND ITS SIZE AT PLANTING, TO DELETE THE PROVISION REGARDING THE OPACITY OF THE SCREEN, AND TO DELETE THE PROVISION THAT NO SCREENING IS REQUIRED IF THE DISTANCE BETWEEN THE LOT LINE AND THE BUILDING IS LESS THAN FIVE FEET; TO REVISE SECTION 4 TO MODIFY THE SCREENING OF SALVAGE YARDS AND SCRAP PROCESSING OPERATIONS AND TO REQUIRE THE INSTALLATION OF PLANT MATERIALS TO BE BY A CERTIFIED LANDSCAPE CONTRACTOR; TO REVISE SECTION 7.1 TO AMEND THE TITLE TO INCLUDE DRIVING AISLES, TO DELETE THE PROVISION ALLOWING REDUCTION OF SCREENING REQUIREMENTS FOR PARKING LOTS WHICH ARE SET BACK FROM THE LOT LINE TO EXCLUDE DRIVEWAY THROATS AND DRIVEWAY CURB CUTS FROM THE REQUIRED SCREEN, TO ELIMINATE THE PROVISION ALLOWING THE DESIGN SPREAD OF DECIDUOUS TREES TO BE USED FOR A PORTION OF THE REQUIRED SCREEN, TO REQUIRE THE PARKING LOT ADJACENT TO A PUBLIC STREET TO BE SCREENED AT LEAST 90% RATHER THAN 60%, AND TO ELIMINATE PROVISIONS REQUIRING THE PLANTING OF A DECIDUOUS TREE WHEN THERE IS LESS THAN FIVE FEET BETWEEN THE PARKING LOT AND THE STREET; TO ADD LANDSCAPE REQUIREMENTS FOR PARKING LOTS WHICH EXCEED 6,000 SQUARE FEET OF PAVED AREA; TO REVISE SECTION 7.3 TO AMEND THE TITLE TO MAKE IT NOT APPLICABLE TO COMMUNITY UNIT PLANS AND TO MAKE IT APPLICABLE TO USE PERMITS; TO REVISE SECTION 7.4 TO MAKE IT APPLICABLE ONLY TO MAJOR STREETS RATHER THAN ALL PUBLIC STREETS, TO INCREASE THE SCREEN FROM 50% TO 60% AND TO REQUIRE THE SCREEN TO GO TO 10 FEET ABOVE THE SURFACE ELEVATION RATHER THAN 6 FEET, AND TO PROVIDE THAT FENCES USED FOR A SCREEN, THEY MUST BE USED IN CONJUNCTION WITH PLANTS; TO REVISE SECTION 7.5 TO ALSO MAKE ITS PROVISIONS APPLY TO THE H-1 AND I-3 ZONING DISTRICTS; TO REVISE SECTION 7.6 TO REDUCE THE NUMBER OF REQUIRED TREES; TO ADD A NEW SECTION 7.11 TO REQUIRE SCREENING FOR REFUSE AREAS, RECYCLING BINS, OPEN STORAGE, LOADING AREAS, AND GROUND-LEVEL MECHANICAL EQUIPMENT AND TO PROVIDE A SCREENING STANDARD; TO REVISE SECTION 8 TO REQUIRE A GUARANTEE FOR THE INSTALLATION OF LANDSCAPING IF NOT INSTALLED BY THE TIME OF THE FINAL BUILDING INSPECTION; AND TO DELETE THE PROVISION ALLOWING THE PLANNING DIRECTOR TO MAKE ADMINISTRATIVE ADJUSTMENTS; AMENDING TITLE 4, MISCELLANEOUS DESIGN STANDARDS, TO ADD A NEW CHAPTER 4.20 ENTITLED "DESIGN STANDARDS FOR LANDSCAPING, STREETSCAPES, MEDIANS, BOULEVARDS, ROUNDABOUT, AND MAJOR STREETS" TO PROVIDE STANDARDS RELATING TO SUCH LANDSCAPING INCLUDING GENERAL PROVISIONS, LANDSCAPING PLAN REQUIREMENTS, SITE PREPARATION, PLANT SELECTION AND PLACEMENT, PLANTING, APPROVED TREE LIST FOR NON-PAVED PLANTING STRIPS, MEDIANS, CUL-DE-SAC CIRCLES, ROUNDABOUTS, BOULEVARDS, AND MAJOR STREETS, TREE CHARACTERISTICS, AND SHRUB CHARACTERISTICS. (RELATED ITEMS: 06-5, 06R-9, 06-6) (ACTION DATE: 1/30/06)
- MISC. 05007 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.23.040 TO MODIFY THE MINIMUM RIGHT-OF-WAY WIDTH FOR MAJOR STREETS AND TO PROVIDE TYPICAL CROSS-SECTION FIGURES FOR STREETS HAVING A WIDTH 120 FEET AND 130 FEET AND BY AMENDING SECTION 26.27.090 TO PROVIDE THAT TREES SHALL BE PLANTED IN THE PUBLIC RIGHT-OF-WAY ALONG MAJOR STREETS WHICH HAVE A MINIMUM OF 120 FEET OF RIGHT-OF-WAY. (RELATED ITEMS: 06-5, 06R-9, 06-6) - CLERK read an ordinance, introduced by Annette McRoy, amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision Ordinance by amending Section 26.23.040 to modify the minimum right-or-way width for major streets and to provide typical cross-section figures for streets having a width 120 feet and 130 feet; by amending Section 26.27.090 to provide that trees shall be planted in the public right-of-way along major streets which have a minimum of 120 feet of right-of-way; and repealing Sections 26.23.040 and 26.27.090 as hitherto existing, the first time.

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

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

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18660**, is recorded in Ordinance Book #25, Page

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 - PRIOR to reading:

MARVIN Moved to accept a substitute resolution for Bill No. 05R-297.

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

CLERK Read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83703 WHEREAS, Apple's Way, LLC/Uno Properties has submitted the preliminary plat of Apple's Way Addition for acceptance and approval together with a request to waive the requirements of the Land Subdivision Ordinance and Design Standards for Land Subdivision Regulations in order to allow lots that do not front on a public street or private roadway in the B-2 District, to allow lot lines not perpendicular to a street, to waive sidewalks along Highway 2, to waive sidewalks along the north side of McIntosh Road and McIntosh Circle, and to approve an alternate location of public sanitary sewer and water mains on property generally located at South 66th Street and Highway 2; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on November 9, 2005 and adopted Resolution No. PC-00960 which conditionally approved Preliminary Plat No. 05016; and

WHEREAS, applicant has appealed the action of the Lincoln City-Lancaster County Planning Commission and is requesting the elimination of condition 1.a.iii. (condition 1.1.4 in the staff report) to the preliminary plat which requires the Permittee to shown how the required detention capacity is maintained when the unidentified street at the southwest corner of the plat is built while maintaining the stand of trees which the developer had reached agreement upon with the Country Meadows Homeowners Association, and condition 1.b.ii. (condition 1.2.2 in the staff report) to the preliminary plat which requires a right-turn lane in Highway 2 at S. 66th Street as 200 feet long and to label the access as right-in-right-out only; and

WHEREAS, the Applicant and the City Administrator have agreed to revised conditions of approval regarding condition 1.a.iii. and condition 1.b.ii; and

WHEREAS, inclusion of condition 1.a.iii. and 1.b.ii. in the conditional approval of the Apple's Way Preliminary Plat by the Lincoln City - Lancaster County Planning Commission should be modified.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the preliminary plat of Apple's Way Addition, generally located at South 66th Street and Highway 2 as submitted by Apple's Way, LLC/Uno Properties is hereby accepted and approved, subject to the following terms and conditions:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval:

a. Revise the preliminary plat as follows:

i. Show sidewalks along both sides of McIntosh Circle and McIntosh Lane unless the subdivider's

- ii. waiver request is approved by the City Council.  
Show easements per the L.E.S. review.
  - iii. ~~Show how the required detention capacity is maintained when the unidentified street at the southwest corner of the plat is built, while maintaining the stand of trees which the developer had reached agreement upon with the Country Meadows Homeowners Association. Show the street easement in the southwest corner of the subdivision exiting from the roundabout to avoid any conflict with the detention cell. If the connecting road is constructed to South 56th utilizing the street easement, the City shall accept the street identified as Apple's Way within the subdivision as a public street with all the maintenance responsibilities therefor. The roundabout, the street easement, and the detention cell shall be configured as shown on Exhibit "A" attached and incorporated by this reference.~~
  - iv. Label all the roads in the B-2 and R-1 zones as private roadways.
  - v. Dimension and number all lots and add a note that all lot lines are approximate.
  - vi. Revise the General Notes to match those on the approved plan for Apple's Way PUD.
  - vii. Revise the landscape plan on Sheet 5 of 5 to show all the required landscape screen between the B-2 and R-1 districts located in the B-2 district for that area located south of Empire Lane. Add a note that the landscape screen between the B-2 and R-1 districts located north of Empire Lane shall be located to provide the best screening effect due to the slope. All of the landscape screen shall be maintained by the owners of the B-2 zoned land or an association of such owners.
  - viii. Remove the designation for "Possible Sign Location" at the southeast corner of the site which is outside the boundary of the plat.
  - ix. Revise the note "175' Drive Setback" in the B-2 district to read "175' Setback to Parking and Driveways."
  - b. Make corrections to the reasonable satisfaction of Public Works and Utilities which shall be limited to:
    - i. Extend the sanitary sewer to Highway 2 in a location that allows for the further service of upstream area north of Highway 2.
    - ii. Revise the plan to show the right-turn lane in Highway 2 at South 66th Street as 200 feet long and the subdivider shall be responsible for the cost of constructing 150 feet and the City shall be responsible for the cost of constructing 50 feet.
2. Final Plats will be approved by the Planning Director after:
- a. The required improvements are completed or a surety is posted to guarantee the completion of 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.
  - b. The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
    - i. to complete the street paving of public streets shown on the final plat within two (2) years following the approval of the final plat.
    - ii. to complete the paving of private roadway shown on the final plat within two (2) years following the approval of this final plat.

- iii. to complete the installation of sidewalks as shown on the final plat within four (4) years following the approval of the final plat.
- iv. to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
- v. to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
- vi. to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- vii. to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- viii. to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
- ix. to complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.
- x. to complete the installation of private street lights within this plat within two (2) years following the approval of the final plat.
- xi. to complete the planting of the street trees a within this plat within four (4) years following the approval of the final plat.
- xii. to complete the installation of the street name signs within two (2) years following the approval of the final plat.
- xiii. to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- xiv. to complete the public and private improvements shown on the preliminary plat.
- xv. to maintain and supervise the outlots and the private facilities which have common use or benefit on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of stormwater detention/retention facilities as they were designed and constructed within the development and these are the responsibility of the Subdivider. Subdivider further agrees to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the Subdivider may be relieved and discharged of such maintenance obligations only upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
  - (a) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans; and
  - (b) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided

property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

- xvi. to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- xvii. to continuously and regularly maintain the street trees along the private roadways and landscape screens.
- xviii. to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- xix. to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- xx. to submit to the lot buyers a copy of the soil analysis.
- xxi. to protect the trees that are indicated to remain during construction and development.
- xxii. to relinquish the right of direct vehicular access from those Lots and Outlots adjacent to Highway 2.
- xxiii. to pay all design, engineering, labor, material, inspection, and other improvement costs.

BE IT FURTHER RESOLVED that:

1. The requirement in Section 26.23.140(g) of the Lincoln Municipal Code that every lot shall front upon and have access to a public street is waived for those lots located in the B-2 zoning district.

2. The requirement in Section 26.23.140(c) of the Lincoln Municipal Code that the side lot lines of any lot shall be at right angles to the street is waived for those lots which do not meet this standard as shown on the preliminary plat.

3. The requirement in Section 26.23.095 of the Lincoln Municipal Code that sidewalks be installed along all streets abutting the preliminary plat is waived along Highway 2.

4. The requirements in Section 3.4 of the Sanitary Sewer Design Standards and in Section 3.2 of the Water Main Design Standards that sanitary sewers and water mains shall be located outside of the roadway and 3.5 feet from the back of the curb are hereby waived in order to allow said sanitary sewers and water mains to be located in alternate locations approved by the Department of Public Works and Utilities.

Introduced by Dan Marvin

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

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

COOK Moved to delay action on Bill No. 05-164 for three weeks to 2/6/06 and to re-order items on the agenda as follows: 05-165A, 05-165B, 05R-262, 05-164.

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

CLERK Read an ordinance, introduced by Robin Eschliman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

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

COOK Moved to delay action on Bill No. 05R-262 for three weeks to 2/6/06 and to re-order items on the agenda as follows: 05-165A, 05-165B, 05R-262, 05-164.

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

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

COOK Moved to delay action on Bill No. 05-165A for three weeks to 2/6/06 and to re-order items on the agenda as follows: 05-165A, 05-165B, 05R-262, 05-164.

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

CLERK Read an ordinance, introduced by Robin Eschliman, 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.

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

COOK Moved to delay action on Bill No. 05-165B for three weeks to 2/6/06 and to re-order items on the agenda as follows: 05-165A, 05-165B, 05R-262, 05-164.

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

CLERK Read an ordinance, introduced by Robin Eschliman, 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.

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18661**, is recorded in Ordinance Book #25, Page

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18662**, is recorded in Ordinance Book #25, Page

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18663**, is recorded in Ordinance Book #25, Page

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18664**, is recorded in Ordinance Book #25, Page

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:

NEWMAN Moved to amend Bill No. 05R-283 by substituting the Beal Slough Watershed Floodprone Area corrected map for the existing map marked as Attachment A.

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

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83704 WHEREAS, on May 10, 2004 the Lincoln City Council adopted Flood Standards for New Growth Areas; and

WHEREAS, on December 5, 2005 the Lincoln City Council adopted text changes to Flood Standards for Existing Urban Areas; and

WHEREAS, the Flood Standards for New Growth Areas and the Flood Standards for Existing Urban Areas identify the regulation of Floodprone Areas and revised Floodway as determined by hydrologic and hydraulic studies completed by the City of Lincoln or other governmental agency, or other acceptable source as approved by the City where this is the best available information; and

WHEREAS, the City is a Federal Emergency Management Agency (FEMA) cooperating technical partner and has contracted with a consultant to develop revised floodplain mapping for Beal Slough as a component of the Beal Slough Stormwater Master Plan which was a cooperative effort of the City and the Lower Platte South Natural Resources District;

WHEREAS, a licensed engineer has certified that the work was completed in compliance with the provisions contained in FEMA's Guidelines and Specifications for Flood Hazard Mapping Partners, and the City has submitted a Flood Insurance Rate Map Physical Map Revision application to FEMA for Beal Slough; and

WHEREAS, identifying the best available information is in the public interest and intended to protect the public health, safety, and welfare.

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

That the Beal Slough Floodprone Areas and revised Floodway, as shown on Attachment "A", are hereby adopted as the best available information and shall be utilized as the best available information in any circumstance where this information is more restrictive than the FEMA Floodplain or Floodway, until such time as the City of Lincoln adopts the revised FEMA Floodplain Map for Beal Slough.

Introduced by Jonathan Cook

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

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)- CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83705 WHEREAS, on May 10, 2004 the Lincoln City Council adopted Flood Standards for New Growth Areas; and

WHEREAS, on December 5, 2005 the Lincoln City Council adopted text changes to Flood Standards for Existing Urban Areas; and

WHEREAS, the Flood Standards for New Growth Areas and the Flood Standards for Existing Urban Areas identify the regulation of Floodprone Areas and revised Floodway as determined by hydrologic and hydraulic studies completed by the City of Lincoln or other governmental agency, or other acceptable source as approved by the City where this is the best available information; and

WHEREAS, the City is a Federal Emergency Management Agency (FEMA) cooperating technical partner and has contracted with a consultant to develop revised floodplain mapping for Stevens Creek as a component of the Stevens Creek Watershed Master Plan which was a cooperative effort of the City and the Lower Platte South Natural Resources District;

WHEREAS, a licensed engineer has certified that the work was completed in compliance with the provisions contained in FEMA's Guidelines and Specifications for Flood Hazard Mapping Partners, and the City has submitted a Flood Insurance Rate Map Physical Map Revision application to FEMA for Stevens Creek; and

WHEREAS, identifying the best available information is in the public interest and intended to protect the public health, safety, and welfare.

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

That the Stevens Creek Floodprone Areas and revised Floodway, as shown on Attachment "A", are hereby adopted as the best available information and shall be used in any circumstance where this information is more restrictive than the FEMA Floodplain or Floodway until such time as the City of Lincoln adopts the revised FEMA Floodplain Map for Stevens Creek.

Introduced by Jonathan Cook

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

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:

NEWMAN Moved to amend Bill No. 05R-282 by substituting the Southeast Upper Salt Creek Wstershed Floodprone Area corrected map for the existing map marked as Attachment A to Bill No. 05R-282.

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

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83706 WHEREAS, on May 10, 2004 the Lincoln City Council adopted Flood Standards for New Growth Areas; and

WHEREAS, the Flood Standards for New Growth Areas identified the regulation of Floodprone Areas as determined by hydrologic and hydraulic studies completed by the City of Lincoln or other governmental agency, or other acceptable source as approved by the City where this is the best available information; and

WHEREAS, the City is a Federal Emergency Management Agency (FEMA) cooperating technical partner and has contracted with a consultant to develop revised floodplain mapping for Southeast Upper Salt Creek as a component of the Southeast Upper Salt Creek Watershed Stormwater Master Plan which was a cooperative effort of the City and the Lower Platte South Natural Resources District;

WHEREAS, a licensed engineer has certified that the work was completed in compliance with the provisions contained in FEMA's Guidelines and Specifications for Flood Hazard Mapping Partners, and the City has submitted a Flood Insurance Rate Map Physical Map Revision application to FEMA for Southeast Upper Salt Creek; and

WHEREAS, identifying the best available information is in the public interest and intended to protect the public health, safety, and welfare.

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

That the Southeast Upper Salt Creek Floodprone Areas, as shown on Attachment "A", are hereby adopted as the best available information and shall be used until such time as the City of Lincoln adopts the revised FEMA Floodplain Map for Southeast Upper Salt Creek.

Introduced by Jonathan Cook

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

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)- CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83707 WHEREAS, on May 10, 2004 the Lincoln City Council adopted Flood Standards for New Growth Areas; and

WHEREAS, the Flood Standards for New Growth Areas identified the regulation of Floodprone Areas and revised Floodway as determined by hydrologic and hydraulic studies completed by the City of Lincoln or other governmental agency, or other acceptable source as approved by the City where this is the best available information; and

WHEREAS, the City is a Federal Emergency Management Agency (FEMA) cooperating technical partner and has contracted with the United States Geological Survey to develop revised floodplain mapping for Cardwell Branch as a component of the proposed Cardwell Branch Watershed Master Plan which is a cooperative effort of the City and the Lower Platte South Natural Resources District;

WHEREAS, a licensed engineer has certified that the work was completed in compliance with the provisions contained in FEMA's Guidelines and Specifications for Flood Hazard Mapping Partners, and the City has submitted a Flood Insurance Rate Map Physical Map Revision application to FEMA for Cardwell Branch; and

WHEREAS, identifying the best available information is in the public interest and intended to protect the public health, safety, and welfare.

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

That the Cardwell Branch Floodprone Areas and revised Floodway, as shown on Attachment "A", are hereby adopted as the best available information and shall be used in any circumstance where this information is more restrictive than the FEMA Floodplain or Floodway until such time as the City of Lincoln adopts the revised FEMA Floodplain Map for Cardwell Branch.

Introduced by Jonathan Cook

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

ESCHLIMAN I make a motion to direct staff to send letters disclosing to individuals who are in the flood prone areas that they are in the flood prone areas; and, to provide information to these individuals stating that it is possible that you could be flooded and where and who you can call or write or a website to get a hold of flood insurance if you wish to do so.

This same information should be provided when the property is taken out of the flood prone areas as well. There should be an education program for real estate agents to make customers and clients aware.

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

FURTHER DISCUSSION:

NEWMAN This motion would pertain to 89 homes and 16 businesses.

ROPER This motion would apply to land owners.

ESCHLIMAN Title holders.

FLECK-TOOZE FEMA maps being updated and published would trigger removal of properties from the flood prone areas and notice to land owners relating to the lack of need for insurance and would show proof of such lack of need to the insurer.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 23, 2006.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

AUTHORIZING THE USE OF PUBLIC RIGHT-OF-WAY BY THE LINCOLN ARTS COUNCIL TO TEMPORARILY PLACE 22 PIECES OF SCULPTURE AND OTHER ART FORMS COMMISSIONED AS PART OF THE YWCA'S STARART PROJECT AT VARIOUS LOCATIONS IN LINCOLN - PRIOR to reading:

MARVIN Moved to waive the rules to have public hearing and action on Bill

No. 06R-4.

Seconded by McRoy & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
(SEE UNDER PUBLIC HEARING - RESOLUTIONS FOR ACTION)

CAMP Moved to approve the resolutions to have Public Hearing on  
January 23, 2006.

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

**ADJOURNMENT 2:46 P.M.**

CAMP Moved to adjourn the City Council meeting of January 9, 2006.  
Seconded by Cook & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

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