

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JANUARY 23, 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; Deputy City Clerk, Teresa J. Meier.

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

MCROY Having been appointed to read the minutes of the City Council proceedings of January 9, 2006, reported having done so, found same correct.

Seconded by Newman & 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 December Mayor's Award of Excellence to Deanna Nathan, who is a public service specialist with the Police Development in the category of Valor.

PUBLIC HEARING

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);

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) - Kent Seacrest, 1111 Lincoln Mall, attorney representing the applicant came forward to request approval and to help answer any questions of the City Council. Discussion followed.

Doug Halvorson, landscape architect with Purdy & Slack Architects in Omaha, came forward to answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

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);

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) - Marvin Krout, Director of Planning, came forward to answer any Council questions and to request a five-week continuance to perfect the amendments. Discussion followed.

Lynn Johnson, Director of Parks & Recreation, came forward to answer questions. Further discussion followed.

Coby Mach, Executive Director of Lincoln Independent Business Association (LIBA), came forward stating a number of recommendations are believed to be helpful in leading to the simplification of the process and uniformity in the requirements for development but feels the excessive requirements will create problems.

Rick Krueger, Developer, came forward on his own behalf with concerns about how this would affect businesses negatively. Further discussion followed.

Bruce Boyer, Lincoln Chamber of Commerce, came forward to comment and stated that "for the record Marvin Krout did come over and make a presentation to our committee four or five months ago." Further discussion followed.

Bob Norris, Nebraska Neon Sign Co., came forward with concerns and stated that we should landscape to enhance the business community, not screen it from the rest of the community.

Mr. Krout came forward to answer Council questions.

This matter was taken under advisement.

TOOK BREAK 3:10 P.M.

RECONVENED 3:25 P.M.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF DECEMBER 1 - 31, 2005 - Margaret Wehr, 1724 S. 42nd St. came forward requesting her denied claim for water damage be overruled. Discussion followed.

Steve Owen, Public Works & Utilities, came forward to answer questions. Further discussion followed.

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

Laurie Colburn, 1800 S. 42nd St. came forward requesting her denied claim for water damage be overruled. Further discussion followed.

Mr. Roper, came forward to answer questions. Further discussion followed.

Mr. Owen, came forward to answer questions. Further discussion followed.

Ms. Wehr came forward in rebuttal. Further discussion followed.

Ms. Colburn came forward in rebuttal. Further discussion followed.

Jon Camp, Council Member, asked Ms. Wehr and Ms. Colburn if it would be acceptable to each of them if he made a motion to have the City reimburse ½ of their claim amounts and be done with the issue. They both responded affirmatively.

Tim Bousek, 3500 B St., came forward requesting his denied claim for door replacement at his rental property due to police entry be overruled. Further discussion followed.

This matter was taken under advisement.

APPROVING THE TRANSFER OF RAILROAD TRANSPORTATION SAFETY DISTRICT FUNDING IN ITS 2005-06 BUDGET YEAR, FOR THE IMPLEMENTATION PROCESS FOR THE ANTELOPE VALLEY PROJECT - PHASE 1, THE "AMENDED DRAFT SINGLE PACKAGE" - Jon Camp, Council Member, stated that this is the transfer of 1.2 million dollars.

This matter was taken under advisement.

APPROVING THE TRANSFER OF RAILROAD TRANSPORTATION SAFETY DISTRICT FUNDING IN ITS 2005-06 BUDGET YEAR, FOR THE HARRIS OVERPASS ON O STREET - Jon Camp, Council Member, stated that this is the transfer of \$930,000 for the Harris Overpass. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE DONATION OF A SCULPTURE, "LISTEN" FROM THE LINCOLN HAYMARKET DEVELOPMENT CORPORATION, FOR PLACEMENT ON PUBLIC PROPERTY AT THE ENTRANCE TO THE HAYMARKET PEDESTRIAN BRIDGE ON 8TH STREET - Jeff Cole, Community Development Program Specialist in the Urban Development Department, came forward to request approval and answer Council questions. Discussion followed.

Lynn Johnson, Director of Parks & Recreation, came forward to answer questions and to state for the record that Parks and Recreation Advisory Board looked at this piece of public art based on three criteria: 1. Durability - we have an agreement with the Lincoln Haymarket Development Corporation to take care of this during a 10-year period; 2. Public safety - it is not a concern because of its placement; and 3. Consistency with community values - they didn't see anything of concern relative to violation of community values. Further discussion followed.

This matter was taken under advisement.

APPROVING A LINCOLN ELECTRIC SYSTEM 4.5 PERCENT INCREASE IN ELECTRIC RATES AND IMPLEMENTATION OF A POWER COST ADJUSTMENT, BOTH TO BE EFFECTIVE WITH BILLING STATEMENTS RENDERED ON AND AFTER FEBRUARY 1, 2006 - Terry Bundy, Administrator and CEO of LES, came forward to request for approval and to answer Council questions. Discussion followed.

Todd Hall, Vice President of Consumer Services of LES, came forward to answer questions. Further discussion followed.

Mark Fahleson, 1201 Lincoln Mall, attorney representing the Lincoln Employers Coalition(LEC), came forward in opposition to the Power Cost Adjustment(PCA) first as it would have an immediate negative affect on jobs in Lincoln and secondly, since the LES board is unelected and unrepresentative, the PCA would end the requirement to come before the Council for public hearing when desired rates are to be changed.

Bob Caldwell, 6100 Luann Lane, Chairman of LEC and general counsel to Linweld, Inc., came forward speaking in opposition to the PCA as the mechanism to handle cost increases. He stated LES must look internally at cost issues. Other jurisdictions that have PCAs have elected boards. Further discussion followed.

Matt Carlson, Lincoln Chamber of Commerce, came forward to state the Chamber's opposition to the current PCA proposal is due to the fact that it would allow future rate change increases without appropriate oversight by the Council and the Mayor, making Lincoln less competitive with other cities in the state when seeking to attract and retain major employers. Further discussion followed.

Coby Mach, LIBA, came forward expressing concern regarding the trend of recent rate increases mirrored in the PCA to place the level of each rate increase or adjustment on to business owners compared with the public.

Mr. Bundy came forward in rebuttal stating that the PCA only applies to power costs that come in above expected budget. Any contingency, major transformer failure, operating or capital cost must be presented in a fixed rate change. A clear formula and process would have to be used to raise the PCA. If gas costs go down, the PCA goes down. He stated it is very tough in volatile times like this to make a projection at the first of the year with a high degree of assurance that money will be generated to meet financial ratios. He said LES is willing to look at other options to offset the PCA with possible fees and charges. Further discussion followed.

Ken Svoboda, Council Chairman, questioned if the Council were to eliminate the discussion of a PCA and move forward with the 4.5 percent, how quickly would LES come back to fill the gap including a package of additional fees.

Mr. Bundy said the package of additional fees could be included but his concern was that the action of passing a partial solution for the needs of 2006 would down-grade their rating with Standard & Poor's. This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND 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 & BALDWINS 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 40th Street, North 41st Street, North 42nd Street, North 43rd Street, North 44th Street and Walker Avenue, generally located between North 33rd Street and North 45th Street and between Leighton Avenue and Huntington Avenue, Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Nebraska, the second 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 second 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 12th Addition as recommended by the Street Name Committee, the second 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) - PRIOR to reading:

COOK Moved to continue 2nd Reading with Public Hearing on Bill No. 06-5 to 2/27/06.

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

CLERK Read an ordinance, introduced by 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 second 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) - PRIOR to reading:

COOK Moved to continue 2nd Reading with Public Hearing on Bill No. 06R-9 to 2/27/06.

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

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) - PRIOR to reading:

COOK Moved to continue 2nd Reading with Public Hearing on Bill No. 06-6 to 2/27/06.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by 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 second time.

RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF DECEMBER 1 - 31, 2005 - PRIOR to reading:

CAMP Moved to amend Bill No. 06R-6 by moving the claims of Margaret Wehr and Laurie Colburn from the Denied column to the Approved for ½ of their claim amount.
Seconded by McRoy & **LOST** by the following vote: AYES: Camp; NAYS: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda.

MCROY Moved to delay action on the claims of Margaret Wehr and Laurie Colburn for one week to 1/30/06.
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 Annette McRoy, who moved its adoption:

A-83709 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 January 3, 2006, 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:

<u>DENIED</u>	<u>ALLOWED OR SETTLED</u>
Margaret Wehr \$ 2,680.08	Kelly Spellman & Amy Warner Spellman \$4,500.00
Irene Hraban 250,000.00	St. Paul Travelers (File No. SWN0678) 5,000.00
Pat Krause & Chad Krause 425.86	Dominick Elsener & Rosemary Elsener 90.95
Laurie Colburn 3,925.56	Jack Duffek 100.00
Melissa Kolm & Kurt Kolm 63.00	Elizabeth Ekeler 3,610.73
Case, Case & Case 220.96	Brian Paul & Renee Paul 6,233.29
Tim Bousek 89.77	Blue Cross Blue Shield (YEP1164853TW) 895.34
Shelter Insurance (Claim No. 26-1-3528637-2 SEE) 661.18	Joe Beebe & Marilyn Beebe 35.00
David Hernandez 300,000.00	Charles Genuchi & Diane Genuchi 1,620.00
Benson & Bell Management Group 225.00	Bette Werts 375.47
Edit Mendez NAS*	Laura Beihl & Dale Biehl, as Guardian and Representative of Austin Biehl 134.00
Diane Voichoski NAS*	Philip Grabouski 110.00
Dale Ruhl 68.50	Rinehart Kruse 1,583.52
Allstate Insurance (Claim No. 2234310601 LMR) 577.02	Judith Cherry 5,342.86
Colin Egger 500.00	Thomas Schleich 4,314.28
Mallard Investments, LLC 92.00	

*No Amount Specified.

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

Introduced by Annette McRoy

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

APPROVING THE TRANSFER OF RAILROAD TRANSPORTATION SAFETY DISTRICT FUNDING IN ITS 2005-06 BUDGET YEAR, FOR THE IMPLEMENTATION PROCESS FOR THE ANTELOPE VALLEY PROJECT - PHASE 1, THE "AMENDED DRAFT SINGLE PACKAGE" - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:
A-83710 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln/Lancaster County Railroad Transportation Safety District (District) desire to cooperate together in the final design, right-of-way acquisition and construction activities for the Phase 1 portion of the Antelope Valley Project; and

WHEREAS, the District agrees to continue to participate in the project and has additional budgeted funds in the amount of \$1,200,000 in its 2005-2006 budget for such participation.

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

That the Agreement between the City and the District attached hereto as Exhibit "A" in connection with the final design, right-of-way acquisition and construction activities for the Phase 1 portion of the Antelope Valley Project in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Annette McRoy

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

APPROVING THE TRANSFER OF RAILROAD TRANSPORTATION SAFETY DISTRICT FUNDING IN ITS 2005-06 BUDGET YEAR, FOR THE HARRIS OVERPASS ON O STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:
A-83711 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln/Lancaster County Railroad Transportation Safety District (District) desire to cooperate together in the design, right-of-way acquisition and construction activities for the Harris Overpass on O Street, 3rd to 9th Street Project; and

WHEREAS, the District has allotted \$930,000 in its 2005-2006 budget for participation in the project.

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

That the Agreement between the City and the District attached hereto as Exhibit "A" in connection with the final design, right-of-way acquisition and construction activities for the Harris Overpass on O Street, 3rd to 9th Street Project in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Annette McRoy

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

ACCEPTING THE DONATION OF A SCULPTURE, "LISTEN" FROM THE LINCOLN HAYMARKET DEVELOPMENT CORPORATION, FOR PLACEMENT ON PUBLIC PROPERTY AT THE ENTRANCE TO THE HAYMARKET PEDESTRIAN BRIDGE ON 8TH STREET - PRIOR to reading:

COOK Moved to accept the Substitute Resolution on Bill No. 06R-3.

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

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

A-83712 WHEREAS, the artwork entitled "Listen" by Adam Tourek has been offered to the City by the Lincoln Haymarket Development Corporation for display on public property at the northern terminus of 8th Street at the entrance to the Haymarket Pedestrian Bridge that will be developed as a City park; and

WHEREAS, the Conditional Art Acceptance Agreement between the City and the Lincoln Haymarket Development Corporation, attached here to as Attachment "A" for the display and maintenance of said art piece is acceptable to the City; and

WHEREAS, the City, through its Parks and Recreation Department, desires to conditionally accept the donation of the art work pursuant to the terms and conditions of Attachment A, and to install it at said park entrance.

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

That the donation of one piece of artwork entitled "Listen" for display on public property as set out above is hereby accepted and the Mayor is authorized to execute the Conditional Art Acceptance Agreement on behalf of the City.

Introduced by Jonathan Cook

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

APPROVING A LINCOLN ELECTRIC SYSTEM 4.5 PERCENT INCREASE IN ELECTRIC RATES AND IMPLEMENTATION OF A POWER COST ADJUSTMENT, BOTH TO BE EFFECTIVE WITH BILLING STATEMENTS RENDERED ON AND AFTER FEBRUARY 1, 2006 - PRIOR to reading:

COOK Moved to accept the Substitute Resolution on Bill No. 06R-5.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CAMP Moved to continue public hearing and action for two weeks to 2/6/06.
Seconded by Marvin & **LOST** by the following vote: AYES: Camp; NAYS: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda.

MARVIN Moved amendment #1 on Bill No. 06R-5S as follows:
1. On page 1, strike lines 9 through 23, and on page 2, strike lines 1 through 17.
2. On page 2, strike lines 23 through 25.
3. On page 3, strike lines 4 through 6, and insert in lieu thereof the following language:

BE IT FURTHER RESOLVED that the City Council is desirous of studying the establishment of fees consistent with the industry practice for public power to increase the cash flow for LES. For example, it is customary for utilities to have an initial connection charge to open service and that this charge recovers the cost of processing the service order, adding the new customer to the billing system, and gathering the required meter readings. A further example would be a utility late payment charge to compensate LES for expenses associated with delinquent payments.

BE IT FINALLY RESOLVED, that LES shall review and submit charges consistent with the industry standards.

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

COOK Moved to continue public hearing and action on Bill No. 06R-5S, as it was amended, for two weeks to 2/6/06.

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 No. 05075 - App. of MDB, Inc. for a change from R-2 Residential District to O-2 suburban Office District, on property located at N. 42nd Street and Vine Street.

Change of Zone No. 06001 - App. of Dubois, L.L.C. for a change from AG Agricultural District to R-3 Residential District, on property located at 84th Street and Highway 2.

Change of Zone No. 06002 - App. of ESP, Inc., on behalf of John Zakavec, for a change from AG Agricultural District to H-3 Highway Commercial District, on property located at NW 48th Street and Highway 34.

Special Permit No. 06001 - App. of Dubois, LLC for approximately 185 single family units, 84 townhouse lots, and 6 outlots, with waiver requests to allow sanitary sewer to run opposite of street grade, to allow double frontage lots, to allow block lengths to exceed 1,320', not provide a pedestrian easement, to allow townhouses and multi-family as an approved use in the R-3 Residential District zone, minimum lot width, and allow a permanent dead-end street to have a hammerhead turnaround, on property at South 84th Street and Highway 2.

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 6, 2006 AT 1:30 P.M. FOR THE MANAGER APP. OF NOLAN CLASSEN OF M & R VENTURES, LLC, DBA BENNIGAN'S RESTAURANT AT 8701 ANDERMATT DRIVE - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83713 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 6, 2006, 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 Nolan Classen for M & R Ventures, LLC dba Bennigan's Restaurant located at 8701 Andermatt Drive.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 6, 2006 AT 1:30 P.M. FOR THE APP. OF BIG SAL'S, INC. DBA BIG SAL'S FOR A CLASS C LIQUOR LICENSE AT 838 N. 27TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83714 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 6, 2006, 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 Big Sal's, Inc. dba Big Sal's located at 838 N. 27th.

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

Introduced by Patte Newman

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

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF DECEMBER, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JANUARY 9, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REAPPOINTING STEVE MASTERS TO THE DISTRICT ENERGY CORPORATION FOR A TWO-YEAR TERM EXPIRING DECEMBER 31, 2007 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83715 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Steve Masters to the District Energy Corporation for a two-year term expiring December 31, 2007 is hereby approved.

Introduced by Annette McRoy

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

ORDINANCES - 1ST READING

CHANGE OF ZONE 05083 - APPLICATION OF THE NEBRASKA SCHOOL OF GYMNASTICS SOUTH, INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED AT 7545 PIONEERS BLVD - CLERK read an ordinance, introduced by Patte Newman, 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.

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND FIRST UNITED METHODIST CHURCH/LINCOLN FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2723 N. 50TH STREET - CLERK read an ordinance, introduced by Patte Newman, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2723 N. 50th Street, Lincoln, NE for a one-year term beginning September 1, 2005, the first time.

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND ST. JAMES UNITED METHODIST CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2400 S. 11TH STREET - CLERK read an ordinance, introduced by Patte Newman, accepting and approving a Lease Agreement between the City of Lincoln and St. James United Methodist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2400 S. 11th Street, Lincoln, NE for a one-year term beginning September 1, 2005, the first time.

ORDINANCES - 3RD READING & RESOLUTIONS FOR ACTION

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. 3rd Street, Hickman, NE for a one-year term beginning September 1, 2005, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18665**, is recorded in Ordinance Book #25, Page

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 third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18666**, is recorded in Ordinance Book #25, Page

STREET VACATION 05011 - VACATING THE WEST SEVEN (7) FEET OF 23RD STREET BETWEEN VINE AND U STREETS - PRIOR to reading:

COOK Moved to amend Bill No. 05-189 in the following manner:

1. On page 1, line 1, delete the word "west" and insert in lieu thereof the word east.

2. On page 1, line 4, delete the word "west" and insert in lieu thereof the word east.

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

CLERK Read an ordinance as amended, introduced by Dan Marvin, vacating the ~~west~~ east 7 feet of 23rd Street between Vine and U Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18667**, is recorded in Ordinance Book #25, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 30, 2006.

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

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UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
January 30, 2006.
 Seconded by McRoy & carried by the following vote: AYES: Camp, Cook,
Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 6:40 P.M.

CAMP Moved to adjourn the City Council meeting of January 23, 2006.
 Seconded by McRoy & carried by the following vote: AYES: Camp, Cook,
Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
 So ordered.

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Senior Office Assistant