

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 28, 2004 AT 5:30 P.M.

The Meeting was called to order at 5:30 p.m. Present: Council Chairperson Werner; Council Members: Camp, Cook, Friendt, McRoy, Newman, Svoboda; Joan Ross, City Clerk.

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

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of June 21, 2004, reported having done so, found same correct.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None

PUBLIC HEARING

APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. DBA LANCASTER EVENT CENTER FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING 120 FEET BY 109 FEET TO THE WEST OF THE EXHIBITION BUILDING AT 4100 NORTH 84TH STREET, LINCOLN, NEBRASKA, ON AUGUST 7, 2004 BETWEEN THE HOURS OF 8:00 A.M. AND MIDNIGHT - Wayne Venter, 5140 S. 67th Street, came forward to answer questions and stated they would be having volleyball games for just one day.

This matter was taken under advisement.

APPLICATION OF ZOO LTD. INC. DBA THE ZOO BAR FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING APPROXIMATELY 350' BY 150' ON N STREET BETWEEN 13TH AND 14TH STREET AND A PORTION OF THE SHARP BUILDING PARKING LOT ON JULY 9, 2004 FROM 4:00 P.M. TO 1:00 A.M. AND ON JULY 10, 2004 FROM 12:00 NOON TO 1:00 A.M. - Tad Frazier, 233 S. 13th St., Ste. 1535, came forward as a board member of KZUM Community Radio which is the non-profit sponsor for this event. The event has been expanded to the Sharpe Building parking lot. He asked if there were any questions. Jeff Boehmer, owner of the Zoo Bar, was in attendance as well.

This matter was taken under advisement.

APPLICATION OF BURNSY'S INC. DBA CATERING ON THE BOULEVARD FOR A LIQUOR CATERING LICENSE AT 2602 PARK BLVD. - Michael Burn, 1301 Lincoln Mall, took oath and came forward to explain that he wanted to add catering to his liquor license for his reception hall in case he may need it sometime.

This matter was taken under advisement.

APPLICATION OF VINCENZO'S INC. DBA VINCENZO'S RISTORANTE TO EXPAND THEIR LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 9 FEET BY 32 FEET AT 808 P STREET, #100, FOR A NEW LICENSE AREA TO READ AS: MAIN FLOOR OF FOUR STORY BUILDING APPROXIMATELY 40' BY 152', INCLUDING BASEMENT AREA, COURT YARD 50' BY 92', OUTDOOR DECK 9' BY 32' AND PORTION OF HALLWAY CONNECTING ENTRANCES - City Clerk stated she received a fax and a phone call from the applicant requesting this application be delayed until the Spring of 2005.

Jon Camp, Council Member, declared a conflict of interest.

This matter was taken under advisement.

APPROVING (1) LEASE AGREEMENT FROM THE CITY AND THE COUNTY OF LANCASTER TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION; (2) LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY; AND (3) THE ISSUANCE OF NOT TO EXCEED \$12,000,000 OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE AND REFUNDING BONDS, ALL WITH RESPECT TO ADDITIONS AND IMPROVEMENTS AT THE CITY-COUNTY HEALTH DEPARTMENT BUILDING - Don Herz, Finance Director, stated if this is approved by the City Council and the County Board the Public Building Commission will issue bonds to be

repaid by rent from the Health Department beginning in approximately two

to three years. The actual construction cost is estimated to not exceed 9.5 million dollars with the balance to go into a debt reserve fund and a capitalize interest account during construction. Lauren Wismer of Gilmore & Bell was also in attendance to answer questions. Discussion followed.

This matter was taken under advisement.

ANNEXATION 03008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 20 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND W. THATCHER LANE. (IN CONNECTION W/04-120, 04R-143, 04R-144);
APPROVING CARDINAL HEIGHTS 2ND ADDITION CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN HARTLAND HOMES INC. AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 20 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND W. THATCHER LANE. IN CONNECTION W/04-119, 04-120, 04R-144);
CHANGE OF ZONE 04013 - APPLICATION OF HARTLAND HOMES INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND W. THATCHER LANE. (IN CONNECTION W/04-119, 04R-143, 04R-144);
SPECIAL PERMIT 2045 - APPLICATION OF HARTLAND HOMES INC. TO DEVELOP HARTLAND'S CARDINAL HEIGHTS 2ND COMMUNITY UNIT PLAN FOR 56 DWELLING UNITS, WITH WAIVERS TO ALLOW SANITARY SEWER LINES TO RUN OPPOSITE STREET GRADES, THE TRANSFER OF SANITARY SEWER FROM ONE BASIN TO ANOTHER, LOTS TO EXCEED THREE TO ONE LOT DEPTH TO WIDTH RATIO, LOTS WITH LESS THAN THE MINIMUM LOT WIDTH, LOTS WITH LESS THAN THE MINIMUM LOT AREA, AND TO WAIVE THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND W. THATCHER LANE. **IN CONNECTION W/04-119, 04-120, 04R-143)** - Peter Katt, Pierson Fitchett Law Firm, 1045 Lincoln Mall, Suite 200, came forward representing Duane Hartman of Hartland Homes who is requesting the City pay for half of the paving of N.W. 56th Street by crediting half of the construction costs of N.W. 56th Street as a credit to the impact fees to be paid from the property of this particular development.

Duane Hartman, 6230 S. 31st Street, stated that the land on the west side of N.W. 56th Street was not yet platted when impact fees were passed so now in addition to pay for the entire street the City wants arterial impact fees on these lots. He feels he would be paying for the street twice. Discussion followed.

Rick Peo, Law Department, came forward to explain that Mr. Hartman wanted to final plat the lots directly abutting 56th Street and 55th Street and came forward with a final plat that has a condition of approval that he pave 56th Street in order to get that approval process approved. That was granted so the City's position is that that approval was for the entire width of 56th Street, not half a width. It is felt that Mr. Hartman got the benefit of his bargain at the time and are bound by the law, in effect, to get reimbursement under the impact fee ordinance as drafted today you have to have an agreement with the City that required impact fee facility improvements to be built and 56th Street is not required to be paved as part of the development on the west side. Discussion followed.

This matter was taken under advisement.

AMENDING SECTION 27.52.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO STANDARDS TO BE FOLLOWED IN CONNECTION WITH FLOOD REGULATIONS FOR EXISTING URBAN AREA TO MAKE THE LANGUAGE CONSISTENT WITH THE MINIMUM FEMA STANDARD LANGUAGE FOR FLOODWAYS - Nicole Fleck-Tooze, Public Works Dept., came forward to explain this was some language that was part of the standards that came before the Planning Commission in May. There was a drafting error when it went to Law Department to be drafted in ordinance form. This restores the ability that's always been there within the existing urban area to allow a rise within a flood way if certain conditions are met which include acquiring the land rights to areas which would have a rise in flood heights and also doing a FEMA letter of map revision to the languages no different than has been previously in the other ordinance.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS - NONE

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. DBA LANCASTER EVENT CENTER FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING 120 FEET BY 109 FEET TO THE WEST OF THE EXHIBITION BUILDING AT 4100 NORTH 84TH STREET, LINCOLN, NEBRASKA, ON AUGUST 7, 2004 BETWEEN THE HOURS OF 8:00 A.M. AND MIDNIGHT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82835 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 Lancaster County Agricultural Society, Inc. d/b/a Lancaster Event Center for a Special Designated License to cover an area measuring 120 feet by 109 feet to the west of the Exhibition Building at 4100 North 84th Street, Lincoln, Nebraska, on August 7, 2004 between the hours of 8:00 a.m. and midnight, be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

APPLICATION OF ZOO LTD. INC. DBA THE ZOO BAR FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING APPROXIMATELY 350' BY 150' ON N STREET BETWEEN 13TH AND 14TH STREET AND A PORTION OF THE SHARP BUILDING PARKING LOT ON JULY 9, 2004 FROM 4:00 P.M. TO 1:00 A.M. AND ON JULY 10, 2004 FROM 12:00 NOON TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82836 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 Zoo Limited, Inc. d/b/a The Zoo Bar for a Special Designated License to cover an area measuring approximately 350 feet by 150 feet in N Street, 13th to 14th Streets and a portion of the Sharp Building parking lot at 14th and N Street, Lincoln, Nebraska, on July 9, 2004, from 4:00 p.m. to 1:00 a.m., and on July 10, 2004, from 12:00 noon to 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

APPLICATION OF BURNSY'S INC. DBA CATERING ON THE BOULEVARD FOR A LIQUOR CATERING LICENSE AT 2602 PARK BLVD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82837 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 ordinance, the City Council recommends that the application of Burnsy's Inc. dba Catering on the Boulevard for the issuance of a Catering Permit to the existing liquor license, located at 2602 Park Blvd., 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 a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF VINCENZO'S INC. DBA VINCENZO'S RISTORANTE TO EXPAND THEIR LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 9 FEET BY 32 FEET AT 808 P STREET, #100, FOR A NEW LICENSE AREA TO READ AS: MAIN FLOOR OF FOUR STORY BUILDING APPROXIMATELY 40' BY 152', INCLUDING BASEMENT AREA, COURT YARD 50' BY 92', OUTDOOR DECK 9' BY 32' AND PORTION OF HALLWAY CONNECTING ENTRANCES - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for denial:

A-82838 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 Vincenzo's Inc. dba Vincenzo's Ristorante to expand its licensed premises by the addition of an outside area measuring approximately 9 feet by 32 feet at the presently licensed premises located at 808 P Street, #100, 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 Ken Svoboda

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

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

APPROVING (1) LEASE AGREEMENT FROM THE CITY AND THE COUNTY OF LANCASTER TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION; (2) LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY; AND (3) THE ISSUANCE OF NOT TO EXCEED \$12,000,000 OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE AND REFUNDING BONDS, ALL WITH RESPECT TO ADDITIONS AND IMPROVEMENTS AT THE CITY-COUNTY HEALTH DEPARTMENT BUILDING - CLERK read an ordinance, introduced by Jonathan Cook, an ordinance of the City of Lincoln, Nebraska (The "City") accepting and approving (1) a first amendment to lease agreement jointly, as lessor and the Lincoln-Lancaster County Public Building Commission (The "Commission"), as lessee, with respect to (A) the Lincoln-Lancaster County Health Department Grounds and Building (The "Health Facilities"), and (2) a First Amendment to lease agreement among the Commission, as lessor, and the City and the County, Jointly, as lessee, with respect to the Health Facilities together with certain related facilities, building and structures to be constructed adjacent and connected to the existing Health Facilities and (3) the issuance sale and delivery of not to exceed twelve million dollars (12,000,000) in aggregate principal amount of tax supported lease rental revenue bonds, series 2004, by the commission, the second time.

CREATING SEWER DISTRICT NO. 1180 IN SOUTH FOLSOM STREET FROM W. SOUTH STREET SOUTH APPROXIMATELY 1250 FEET - CLERK read an ordinance, introduced by Jonathan Cook, creating Sewer District No. 1180, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING ORNAMENTAL LIGHTING DISTRICT NO. 287 IN WEST CHARLESTON STREET, 1ST STREET WEST APPROXIMATELY 1100 FEET - CLERK read an ordinance, introduced by Jonathan Cook, creating Ornamental Lighting District No. 287, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, and repealing all ordinances and parts of ordinances in conflict herewith, the second time.

ANNEXATION 03008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 20 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND W. THATCHER LANE. (IN CONNECTION W/04-120, 04R-143, 04R-144) - CLERK read an ordinance, introduced by Jonathan Cook, 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 second time.

APPROVING CARDINAL HEIGHTS 2ND ADDITION CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN HARTLAND HOMES INC. AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 20 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND W. THATCHER LANE. IN CONNECTION W/04-119, 04-120, 04R-144) - PRIOR to reading:

CAMP Moved to delay action of Bill No. 04R-143 to 7/12/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CHANGE OF ZONE 04013 - APPLICATION OF HARTLAND HOMES INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND W. THATCHER LANE. (IN CONNECTION W/04-119, 04R-143, 04R-144) - CLERK read an ordinance, introduced by Jonathan Cook, 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.

SPECIAL PERMIT 2045 - APPLICATION OF HARTLAND HOMES INC. TO DEVELOP HARTLAND'S CARDINAL HEIGHTS 2ND COMMUNITY UNIT PLAN FOR 56 DWELLING UNITS, WITH WAIVERS TO ALLOW SANITARY SEWER LINES TO RUN OPPOSITE STREET GRADES, THE TRANSFER OF SANITARY SEWER FROM ONE BASIN TO ANOTHER, LOTS TO EXCEED THREE TO ONE LOT DEPTH TO WIDTH RATIO, LOTS WITH LESS THAN THE MINIMUM LOT WIDTH, LOTS WITH LESS THAN THE MINIMUM LOT AREA, AND TO WAIVE THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND W. THATCHER LANE. IN CONNECTION W/04-119, 04-120, 04R-143) - PRIOR to reading:

CAMP Moved to delay action of Bill No. 04R-144 to 7/12/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CHANGE OF ZONE 04036 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 27TH STREET AND STRATFORD AVE. - CLERK read an ordinance, introduced by Jonathan Cook, 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.

AMENDING SECTION 27.52.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO STANDARDS TO BE FOLLOWED IN CONNECTION WITH FLOOD REGULATIONS FOR EXISTING URBAN AREA TO MAKE THE LANGUAGE CONSISTENT WITH THE MINIMUM FEMA STANDARD LANGUAGE FOR FLOODWAYS - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.52.030 of the Lincoln Municipal Code relating to Standards to be followed in connection with Flood Regulations for Existing Urban Area to make the language consistent with the minimum FEMA standard language for floodways; and repealing Section 27.52.030 of the Lincoln Municipal Code 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 THEREIN FOR THE PERIOD OF JUNE 1 - 15, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82839 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 June 16, 2004, 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>
Stanley Spidel		\$2,012.23	Sandra L. Thompson \$1,828.84
Danny D. Briggs Sr. & Roxanne Y. Briggs & Danny Briggs Jr.			Joseph & Betty Borkowski 141.22
American Family Insurance Group (Claim No. 00-071-391075-430)	NAS*		David Giraud 3,645.50
Ben & Melissa Lass		1,287.86	Jeff A. Rust 109.75
Ahmed Al-Aboudy, owner of A&B Auto Sales	NAS*		Elwood Yoder 147.00
			Trudy Brosh 349.85

* No Amount Specified.

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

Introduced by Jonathan Cook

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND SOUTHEAST COMMUNITY COLLEGE TO PROVIDE PAYMENT FOR A PORTION OF THE RENOVATION OF A BURN TOWER IN THE AMOUNT OF \$15,000.00 SUCH THAT THE CITY OF LINCOLN FIRE AND RESCUE CAN CONDUCT LIVE BURNS FOR PURPOSES OF FIRE SUPPRESSION TRAINING, AND TO ESTABLISH AN ANNUAL MAINTENANCE FEE TO BE PAID BY THE CITY TO SOUTHEAST COMMUNITY COLLEGE FOR REPAIRS OF THE BURN TOWER IN THE FUTURE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82840 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and Southeast Community College to provide partial payment for the burn tower renovation in order for the City of Lincoln Fire and Rescue to conduct live burns for fire suppression training, to establish an annual maintenance fee, and to provide for a termination date of September 1, 2035 unless sooner terminated by either party, upon the terms and conditions as set forth in said Agreement, a copy of which is attached hereto marked as Exhibit "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Danny Wright, Lincoln Fire and Rescue, for transmittal to Southeast Community College.

Introduced by Jonathan Cook

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

EXPRESSING SUPPORT FOR AMENDMENT 4 WHICH WILL BE ON THE NOVEMBER GENERAL ELECTION BALLOT TO PROVIDE A PORTION OF STATE LOTTERY PROCEEDS BE DEDICATED TO THE STATE FAIR - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82841 WHEREAS, the Nebraska State Fair is an important and longstanding part of the City of Lincoln; and

WHEREAS, the State Fair is in need of monetary contributions to remain solvent and operating; and

WHEREAS, the 98th Legislature of Nebraska passed a legislative resolution to amend the State Constitution; and

WHEREAS, if passed, this amendment would provide a portion of state lottery proceeds to be dedicated to the State Fair; and

WHEREAS, this amendment will be a ballot issue at the November General Election; and

WHEREAS, the City Council desires to be on record in support of this ballot issue.

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

That it supports the passage of Legislative Resolution 209, also known as Proposition 4, on the November ballot that will dedicate a portion of the state lottery to the State Fair.

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO PLANNING DEPARTMENT:

Change of Zone 04040 - App. of Joyce Hinkley Ltd. Partnership for a change from I-1 to B-5 on property at 5710 Colfax Avenue and 3737 N. 58th Street.

Change of Zone 04041 - App. of B & J Partnership Ltd. for a change from P to I-1 on property at South 9th Street and Calvert Street.

FORMAL PAVING PETITION FOR STREET PAVING DISTRICT NO. 2628 FOR STREET PAVING AT NORTH 36TH STREET, VINE STREET TO W STREET SUBMITTED BY JAKE WHITAKER CLERK presented said petition which was referred to the Law Dept.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 21, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM THE CITY TREASURER OF TELECOMMUNICATION OCC. TAX FOR MAY, 2004: TELECORP. COMM., ATT WIRELESS, D&D COMM., NORSTEN NETWORK, 360 NETWORKS, LIGHTYEAR, LDMI, NOS, WORLDXCHANGE, TRI-M, ZONE, GLOBALCOM, GTC, ASSOCIATION ADMINISTRATORS, AFFINITY, TELCO DEVELOPMENT, NOSVA, EXCEL, VARTEC, SPRINT SPECTRUM - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

(Resolutions listed hereunder advance to Public Hearing on 6/21/04)

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE TO EXTEND FAMILY SICK LEAVE TO INCLUDE ANY PERSON UNDER LEGAL GUARDIANSHIP OF AN EMPLOYEE, TO REARRANGE THE FUNERAL LEAVE SECTION FOR CLARITY, AND TO ALLOW EMPLOYEES ON MILITARY LEAVE WITHOUT PAY TO NOT FIRST EXHAUST ALL APPLICABLE LEAVE BALANCES - CLERK read an ordinance, introduced by Glenn Friendt, amending Chapter 2.76 of the Lincoln Municipal Code, Personnel System, by amending Section 2.76.380 relating to sick leave with pay to extend sick leave to include any person under legal guardianship of an

employee; by amending Section 2.76.385 relating to funeral leave to clarify its provisions; amending Section 2.76.400 relating to leaves of absence without pay to provide that an employee on military leave of absence does not have to exhaust all applicable leave balances; and repealing Sections 2.76.380, 2.76.385, and 2.76.400 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & RESOLUTIONS FOR ACTION

ANNEXATION 02012 WILDERNESS HILLS - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 91.98 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION

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W/04-96, 04R-107, 04R-108, 04R-109) - CLERK read an ordinance, introduced by Glenn Friendt, 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.

FRIENDT Moved to pass the ordinance as read.

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

The ordinance, being numbered #18391, is recorded in Ordinance Book , Page

CHANGE OF ZONE 3423 - APPLICATION OF GERALD MADDOX FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, R-5 RESIDENTIAL DISTRICT, O-3 OFFICE PARK DISTRICT, AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/04-95, 04R-107, 04R-108, 04R-109) - CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon the third time.

FRIENDT Moved to pass the ordinance as read.

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

The ordinance, being numbered #18392, is recorded in Ordinance Book , Page

APPROVING THE WILDERNESS HILLS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN FEDERAL BANCORP, INC. OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/ 04-95, 04-96, 04R-108, 04R-109) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82842 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Wilderness Hills Conditional Annexation and Zoning Agreement , which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Lincoln Federal Bancorp, Inc. outlining certain conditions and understandings relating to the annexation of approximately 91.98 acres of property generally located southeast of the intersection of South 27th Street and Yankee Hill Road, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

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

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

Introduced by Annette McRoy

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

SPECIAL PERMIT 1999 - APPLICATION OF GERALD MADDOX TO DEVELOP WILDERNESS HILL COMMUNITY UNIT PLAN CONSISTING OF 640 SINGLE FAMILY, TOWNHOUSE, AND MULTI-FAMILY DWELLING UNITS, WITH WAIVERS TO THE PRELIMINARY PLAT PROCESS, LANDSCAPING IN TRAFFIC CIRCLES AND MEDIANS, FRONT YARD SETBACKS, REAR YARD SETBACKS, MINIMUM LOT AREA AND WIDTH, BUILDING HEIGHT, AND SANITARY SEWER DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/04-95, 04-96, 04R-107, 04R-109) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82843 WHEREAS, Gerald Maddox has submitted an application designated as Special Permit No. 1999 for authority to develop Wilderness Hills Community Unit Plan consisting of 640 single family, townhouse and multi-family dwelling units, with waivers to the preliminary plat process, minimum lot area and lot width, building height, and sanitary sewer design standards, on property located southeast of the intersection of South 27th

Street and Yankee Hill Road, and legally described to wit:

A tract of land located in the Northwest and Southwest Quarter of Section 30, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. More particularly described as follows:

Referring to the northwest corner of said Northwest Quarter; thence S00°03'13"E on an assumed bearing along the west line of said Northwest Quarter, a distance of 1,301.18 feet; thence N89°56'47"E, a distance of 50.00 feet to a point on the east right-of-way line of South 27th Street, said point also being the point of beginning; thence N89°50'48"E, a distance of 263.39 feet to the point of curvature of a radial curve to the left having a central angle of 15°00'00", a radius of 400.00 feet, an arc length of 104.72 feet, a chord length of 104.42 feet and a chord bearing of N82°20'48"E; thence along said curve, a distance of 104.72 feet; thence N74°50'48"E, a distance of 296.68 feet to the point of curvature of a radial curve to the right having a central angle of 15°00'00", a radius of 1,200.00 feet, an arc length of 314.16 feet, a chord length of 313.26 feet and a chord bearing of N82°20'48"E; thence along said curve, a distance of 314.16 feet; thence N89°50'47"E, a distance of 316.69 feet to the point of curvature of a radial curve to the right having a central angle of 07°57'59", a radius of 2,600.00 feet, an arc length of 361.50 feet, a chord length of 361.21 feet and a chord bearing of S86°10'13"E; thence along said curve, a distance of 361.50 feet; thence N17°23'24"E, a distance of 419.88 feet to the point of curvature of a radial curve to the left having a central angle of 17°32'36", a radius of 530.00 feet, an arc length of 162.28 feet, a chord length of 161.65 feet and a chord bearing of N08°37'06"E; thence along said curve, a distance of 162.28 feet; thence N00°09'12"W, a distance of 619.81 feet to a point on the south right-of-way line of Yankee Hill Road; thence N88°45'38"E on said right-of-way line, a distance of 706.31 feet; thence S00°02'28"W, a distance of 161.04 feet; thence S05°44'43"W, a distance of 140.69 feet to the point of curvature of a nontangent curve to the right having a central angle of 25°02'01", a radius of 2,033.00 feet, an arc length of 888.25 feet, a chord length of 881.20 feet and a chord bearing of S12°29'26"W; thence along said curve, a distance of 888.25 feet; thence S25°00'27"W, a distance of 151.43 feet; thence S69°21'56"E, a distance of 8.74 feet; thence S20°38'04"W, a distance of 87.08 feet; thence N69°21'41"W, a distance of 15.52 feet to the point of curvature of a nontangent curve to the left having a central angle of 17°16'22", a radius of 2,558.00 feet, an arc length of 771.16 feet, a chord length of 768.24 feet and a chord bearing of N77°59'36"W; thence along said curve, a distance of 771.16 feet; thence S13°28'51"E, a distance of 221.69 feet; thence S12°35'31"E, a distance of 83.37 feet; thence S02°58'55"E, a distance of 79.47 feet; thence S00°07'52"E, a distance of 558.72 feet; thence S89°56'50"W, a distance of 120.00 feet; thence S00°07'52"E, a distance of 15.60 feet; thence S89°52'08"W, a distance of 360.00 feet; thence N00°07'52"W, a distance of 5.02 feet; thence S89°52'08"W, a distance of 120.00 feet; thence S00°07'52"E, a distance of 500.68 feet to the point of curvature of a nontangent curve to the left having a central angle of 01°47'32" a radius of 1,898.24 feet, an arc length of 59.38 feet, a chord length of 59.37 feet and a chord bearing of S83°46'12"W; thence along said curve, a distance of 59.38 feet; thence S82°52'26"W, a distance of 566.38 feet to the point of curvature of a radial curve to the right having a central angle of 07°10'02", a radius of 1,542.00 feet, an arc length of

192.89 feet, a chord length of 192.77 feet and a chord bearing of S86 27 27"W; thence along said curve, a distance of 192.89 feet; thence N89 57 32"W, a distance of 116.47 feet to a point on the east right-of-way line of South 27th Street; thence along said right-of-way line for the next five courses; N00 00 55"W, a distance of 99.32 feet; thence N00 03 13"W, a distance of 665.12 feet; thence N89 28 16 E, a distance of 9.44 feet; thence N00 36 10"E, a distance of 660.11 feet; thence N00 03 13"W, a distance of 23.11 feet to the point of beginning; containing 2,803,164.00 square feet or 64.3518 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Gerald Maddox, hereinafter referred to as "Permittee", to develop Wilderness Hills Community Unit Plan consisting of 640 single family, townhouse and multi-family dwelling units, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:
 - a. 640 single family, townhouse, and multiple-family dwelling units and the following variances to the Land Subdivision Ordinance and Design Standards:
 - i. The required minimum lot area and lot width is amended to allow 4,000 square foot lots 40' in width for single-family and 25' in width for two-family, and to allow 1,800 square foot lots 18' in width for townhomes.
 - ii. The building height requirement is amended to allow 50' building height in the R-3 and R-5 zoning district.
 - iii. The requirements of the sanitary sewer design standards are amended to allow sewer to flow opposite street grades.
 - b. A waiver of the requirement that the Permittee submit a preliminary plat is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable, revised and reproducible final plan including five copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within this community unit plan must be approved by the City.
3. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established association of property owners approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for

all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Annette McRoy

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

USE PERMIT 154 - APPLICATION OF GERALD MADDOX TO DEVELOP 495,000 SQ. FT. OF OFFICE AND COMMERCIAL FLOOR AREA, WITH WAIVERS TO THE PRELIMINARY PLAT PROCESS, LANDSCAPING IN TRAFFIC CIRCLES AND MEDIANS, FRONT YARD SETBACKS, REAR YARD SETBACKS, MINIMUM LOT AREA AND WIDTH, BUILDING HEIGHT, AND SANITARY SEWER DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH AND YANKEE HILL ROAD. (IN CONNECTION W/04-95, 04-96, 04R-107, 04R-108) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82844 WHEREAS, Gerald Maddox has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 154 for authority to develop 495,000 sq. ft. of office and commercial floor area, with waivers to the required preliminary plat process, front yard setbacks, rear yard setbacks, building height, and sanitary sewer design standards on property generally located southeast of the intersection of South 27th Street and Yankee Hill Road, and legally described to wit:

A tract of land located in the Northwest Quarter of Section 30, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. More particularly described as follows:

Referring to the northwest corner of said Quarter; thence S00 03 13"E on an assigned bearing and along the west line of said Quarter, a distance of 1,301.18 feet; thence N89 56 47"E, a distance of 50.00 feet to a point on the east right-of-way line of South 27th Street, said point also being the point of beginning; thence N00 03 13"W along said right-of-way, a distance of 1,207.19 feet; thence N44 21 13"E, a distance of 64.31 feet; thence along the south right-of-way line of Yankee Hill Road for the next five courses, N88 45 38"E, a distance of 636.99 feet; thence S00 03 32"E, a distance of 10.00 feet; thence N88 45 38"E, a distance of 676.55 feet; thence N00 03 50"W, a distance of 10.00 feet; thence N88 45 38"E, a distance of 431.91 feet; thence S00 09 12"E, a distance of 619.81 feet to the point of curvature of a radial curve to the right having a central angle of 17 32 36", a radius of 530.00 feet, an arc length of 162.28 feet, a chord length of 161.65 feet and a chord bearing of S08 37 06"W; thence along said curve, a distance of 162.28 feet; thence S17 23 24"W, a distance of 419.88 feet to the point of curvature of a non tangent curve to the left having a central angle of 07 57 59", a radius of 2,600.00 feet, an arc length of 361.50 feet, a chord length of 361.21 feet and a chord bearing of N86 10 13"W; thence along said curve, a distance of 361.50 feet; thence S89 50 47"W, a distance of 316.69 feet to the point of curvature of a radial curve to the left having a central angle of 15 00 00", a radius of 1,200.00 feet, an arc length of 314.16 feet, a chord length of 313.26 feet and a chord bearing of S82 20 47"W; thence along said curve, a distance of 314.16 feet; thence S74 50 48"W, a distance of 296.68 feet to the point of curvature of a radial curve to the right having a central angle of 15 00 00", a radius of

400.00 feet, an arc length of 104.72 feet, a chord length of 104.42 feet and a chord bearing of S82 20 48"W; thence along said curve, a distance of 104.72 feet; thence S89 50 48 W, a distance of 263.39 feet to the point of beginning; containing 2,075,161.28 square feet or 47.6391 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this use permit will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Gerald Maddox, hereinafter referred to as "Permittee", to develop 495,000 sq. ft. of office and commercial floor area on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said office and commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 495,000 square feet of office and commercial floor area.

2. The following waivers to the Land Subdivision Ordinance and Design Standards are approved:

- a. A reduction in the front yard setback from 50' to 30' adjacent to Wilderness Hills Blvd., from 50' to 15' and 20' for parking adjacent to Yankee Hill Road in the B-2 zoned area; a reduction in the rear yard setback in the B-2 zoned area from 50' to 20' adjacent to the R-5 area.
- b. The building height requirement is amended from 45' to 60' in the O-3 zoning district and from 40' to 50 in the B-2 zoning district.
- c. The requirements of the sanitary sewer design standards are amended to allow sewer to flow opposite street grades.
- d. A waiver of the requirement that the Permittee submit a preliminary plat is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

2. Before receiving building permits:

- a. The Permittee must submit an acceptable, revised and reproducible final plan including five copies.
- b. The construction plans must conform to the approved plans.
- c. Final plats within this community unit plan must be approved by the City.

3. Before occupying the office/commercial floor area all development and construction must be completed in conformance with the approved plans, including design criteria.

4. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established owners association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as

may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Annette McRoy

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

ANNEXATION 04007 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 53.32 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF S. 56TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/04-122, 04R-148) - CLERK read an ordinance, introduced by Jon Camp, annexing and including approximately 53.32 acres of property located northeast of S. 56th Street and Yankee Hill Road 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.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #18393, is recorded in Ordinance Book , Page

CHANGE OF ZONE 04009 - APPLICATION OF RIDGE DEVELOPMENT CO., SOUTHVIEW INC., AND PINE LAKE HEIGHTS JOINT VENTURE FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF S. 56TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/04-121, 04R-148) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #18394, is recorded in Ordinance Book , Page

APPROVING BIG THOMPSON CREEK 1ST CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN RIDGE DEVELOPMENT CO., SOUTHVIEW, INC., AND DEVELOPMENTS UNLIMITED, LLP, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 53.32 ACRES OF PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/04-121, 04-122) (To have Public Hearing and Action on 6/21/04.) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82845 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Big Thompson Creek 1st Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Ridge Development Company, Southview, Inc., and Developments Unlimited, LLP, outlining certain conditions and understandings relating to the annexation of approximately 53.32 acres of property generally located northeast of South 56th Street and Yankee Hill Road, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

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

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

Introduced by Jon Camp

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

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE TO ALLOW ALCOHOLIC BEVERAGES AT THE FOLSOM CHILDREN'S ZOO AND THE LINCOLN CHILDREN'S MUSEUM DURING FUND RAISING ACTIVITIES AND EVENTS WHEN THE FACILITIES ARE NOT OPEN TO THE GENERAL PUBLIC - CLERK read an ordinance, introduced by Jon Camp, amending Section 12.08.270 of the Lincoln Municipal Code to allow alcoholic beverages to be served at the Folsom Children's Zoo and the Lincoln Children's Museum during fund-raising activities and events when the facilities are not open to the general public; and repealing Section 12.08.270 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #18395, is recorded in Ordinance Book , Page

CREATING A NEW CHAPTER 8.50 OF THE LINCOLN MUNICIPAL CODE ESTABLISHING SMOKING REGULATIONS AND REPEALING CHAPTER 8.48 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN SMOKEFREE AIR ACT - PRIOR to reading:

SVOBODA Moved to amend Bill No. 04-123 as follows:

1. On page 1, lines 6 & 7, delete "8.50.040 through 8.50.200" and insert in lieu thereof "8.50.060, 8.50.070, 8.50.080, 8.50.090, 8.50.100, 8.50.110, 8.50.120, 8.50.130, 8.50.150, 8.50.160, and 8.50.180", and delete the words "bar" and "day or days".

2. On page 1, line 8, delete the phrase "preference of the users,".

3. On page 1, line 9, delete the words "smoking room," insert in lieu thereof the word "and"; and delete the phrase "smoke shop and theater".

4. On page 1, from lines 13 through 18, delete the following language: "adding a new section numbered 8.50.230 to allow smoking by permit; adding a new section numbered 8.50.240 to allow temporary smoking by a proprietor with written notification; adding a new section numbered 8.50.250 to provide for a permit; adding a new section numbered 8.50.260 to provide for inspections; adding a new section numbered 8.50.270 to provide for a hearing procedure for suspension or revocation of permits;"

5. On page 2, lines 19 through 25, delete the definition of bar.

6. From page 2, line 26, through page 3, line 2, delete the definition of "Day or Days".

7. From page 4, line 24, through page 5, line 4, delete the definition of "Preference of the Users".

8. On page 5, lines 16 through 20, delete the definition of "Smoking Room".

9. From page 5, line 26 through page 6, line 8, delete the definitions of "Smoke shop" and "theater".

10. On page 6 line 18, delete the words "where allowed by this Chapter" and insert in lieu thereof the words "as follows".

11. On page 6, after line 18, insert the following language:

(1) Guestrooms or suites, provided the following requirements are met:

(i) The number of rooms or suites designated for smoking shall be no greater than 20% of the total number of questrooms or suites.

(ii) Each questroom or suite where smoking is allowed shall have a permanent sign posted containing the words "smoking allowed" on each entrance.

(2) As part of a study conducting research into the health effects of smoking in a scientific or analytical laboratory either governed by state or federal law or at a college or university approved by the Nebraska Coordination Commission for post Secondary Education. The proprietor shall post a temporary sign on all entrances to the laboratory indicating that smoking is being allowed for the purposes of research.

(b) Proprietors shall conspicuously post or display required signs so that the signs are readily viewable by employees and the public.

(c) This section shall not be interpreted or construed to permit smoking where smoking is otherwise restricted by other applicable laws.

12. Delete all lines beginning on page 6, line 19, through page 15, line 13.

13. From page 16, lines 11 through 21, delete subsections (c), (c)(1), (c)(2), and (c)(3) in their entirety; and renumber the subsequent subsections accordingly.

Seconded by Friendt & carried by the following vote: AYES: Camp, Friendt, Svoboda, Werner; NAYS: Cook, McRoy, Newman.
CLERK Read an ordinance, introduced by Jon Camp, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by creating a new Chapter 8.50 entitled the Lincoln Smoking Regulation Act, the third time.
CAMP Moved to pass the ordinance as amended.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, Svoboda, Werner; NAYS: Cook, McRoy, Newman.
The ordinance, being numbered #18396, is recorded in Ordinance Book , Page

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

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to July 12, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on July 12, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 7 03 P.M.

CAMP Moved to adjourn the City Council meeting of June 28, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, City Clerk , CMC

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
JUNE 28, 2004
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