

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 12, 2004 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Werner; Council Members: Camp, Cook, Friendt, McRoy, Newman, Svoboda; Teresa Meier, Deputy 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

NEWMAN Having been appointed to read the minutes of the City Council proceedings of June 28, 2004, reported having done so, found same correct.

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

PUBLIC HEARING

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MAY 16 - 31, 2004. CLAIM OF PATTI TALAMANTE WHICH WAS VOTED TO HAVE PUBLIC HEARING AND ACTION ON 7/12/04 - Patti Talamante, 1926 Pepper Avenue, came forward for approval and she read a copy of the letter that she sent to the City Council regarding her claim. Further discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY NORTH-SOUTH ROADWAY K TO Q PROJECT. PROJECT NO. CM-55(142) CN 11215A. CITY NO. 780109;

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY SOUTH STREET BRIDGE PROJECT. PROJECT NO. STPC-5212(5) CN 11215K. CITY NO. 780111;

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY J STREET BRIDGE PROJECT. PROJECT NO. STPC-5226(1) CN 11215J. CITY NO. 780110;

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY BIG T PROJECT. PROJECT NO. CM-55(144) CN 11215E. CITY NO. 780106;

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY EAST LEG OF THE BIG X PROJECT. PROJECT NO. STPC-5257(1) CN 11215G. CITY NO. 780107;

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY "O" STREET BRIDGE AND ROAD FROM 21ST TO 23RD STREET. PROJECT NO. STPC-34-6(135), CN 11215I. CITY NO. 780104 - Allan Abbott, Director of Public Works & Utilities, came forward for approval and to answer any questions regarding the agreements.

This matter was taken under advisement.

SPECIAL PERMIT 1726B - APPLICATION OF WEST PARK, L.L.C. TO AMEND THE WEST PARK COMMUNITY UNIT PLAN TO ADD SIX DWELLING UNITS FOR A TOTAL OF 29 DWELLING UNITS, WITH WAIVERS TO THE REQUIRED TURNAROUND DESIGN STANDARDS IN WEST B COURT AND THE CONNECTION OF WEST B COURT TO WEST B STREET, ON PROPERTY GENERALLY LOCATED AT S.W. 15TH COURT AND WEST A STREET - Brian Carstens, 601 Old Cheney Road, Suite C, came forward on behalf of West Park LLC for approval. Further discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Danny Walker, 427 E Street, came forward on behalf of the residents of the South Salt Creek Community Organization and submitted a formal complaint from the community regarding the construction project know as the 4th Street sanitary sewer project. Further discussion followed.

Steve Masters, Public Works & Utilities, came forward and stated that he is the process of working out the issues that the South Salt Creek Community has with the project. Further discussion followed.
This matter was taken under advisement.

Mike Morosin, 2055 S Street, came forward and discussed his concerns regarding the value of his property tax on his property from the Nebraska Tax Equalization and Review.
This matter was taken under advisement.

Glenn Cekal, 1420 C Street, came forward to discuss his concerns with the sidewalks in Lincoln and how they need to be cleared from bushes, branches, and grass, for the bicyclist.
This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF UPDOWNTOWNERS INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 450' BY 90' NORTH/SOUTH AND 450' BY 90' EAST/WEST IN 12TH STREET M/N-O STREET, AND N STREET 11TH/12TH-13TH ST, ON JULY 23, 2004 AND JULY 24, 2004 FROM 11:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82846 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 Updowntowners Inc. for a Special Designated License to cover an area measuring approximately 450' by 90' north/south and 450' by 90' east/west in 12th Street M/N-O St., and N St. 11th/12th-13th St., Lincoln, Nebraska, on July 23 and July 24, 2004 from 11:00 a.m. 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF EAGLE ENTERTAINMENT L.L.C. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 30' BY 45' IN THE PARKING LOT AT 130 N. 66TH STREET ON JULY 30, 2004 FROM 4:00 P.M. TO 9:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82847 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 Eagle Entertainment L.L.C. for a Special Designated License to cover an area measuring approximately 30' by 45' in the parking lot at 130 N. 66th Street, Lincoln, Nebraska, on July 30, 2004 from 4:00 p.m. to 9:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.

3. The area requested for the permit shall be separated from the public by a fence or other means.
 4. Responsible alcohol service practices shall be followed.
- BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

ORDINANCES - 2ND READING

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 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 MAY 16 - 31, 2004. CLAIM OF PATTI TALAMANTE WHICH WAS VOTED TO HAVE PUBLIC HEARING AND ACTION ON 7/12/04 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82848 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 1, 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:

DENIED

Patti Talamante

* No Amount Specified.

ALLOWED OR SETTLED

\$3,829.29

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY NORTH-SOUTH ROADWAY K TO Q PROJECT. PROJECT NO. CM-55(142) CN 11215A. CITY NO. 780109 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82849 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. CM-55(142), (CN 11215A), for Federal funding of the Antelope Valley North-South Roadway K to Q Project, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY SOUTH STREET BRIDGE PROJECT. PROJECT NO. STPC-5212(5) CN 11215K. CITY NO. 780111 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82850 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPC-5212(5), CN-11215K), for Federal funding of the Antelope Valley South Street Bridge Project, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY J STREET BRIDGE PROJECT. PROJECT NO. STPC-5226(1) CN 11215J. CITY NO. 780110 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82851 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPC-5226(1), CN-11215J), for Federal funding of the Antelope Valley J Street Bridge Project, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY BIG T PROJECT. PROJECT NO. CM-55(144) CN 11215E. CITY NO. 780106 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82852 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. CM-55(144), CN-11215E), for Federal funding of the Antelope Valley Big T Project, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY EAST LEG OF THE BIG X PROJECT. PROJECT NO. STPC-5257(1) CN 11215G. CITY NO. 780107 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82853 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPC-5257(1), CN-11215G), for Federal funding of the Antelope Valley East leg of the Big X Project, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY "O" STREET BRIDGE AND ROAD FROM 21ST TO 23RD STREET. PROJECT NO. STPC-34-6(135), CN 11215I. CITY NO. 780104 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82854 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPC-34-6(135), CN-11215I), for Federal funding of the Antelope Valley "O" Street Bridge and Road from 21st to 23rd Streets, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING OF THE ANTELOPE VALLEY NORTH-SOUTH ROADWAY Q TO Y PROJECT. PROJECT NO. CM-55(143) CN 11215B. CITY NO.780108 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82855 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. CM-55(143), CN-11215B), for Federal funding of the Antelope Valley North-South Roadway Q to Y Project, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

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

SPECIAL PERMIT 1726B - APPLICATION OF WEST PARK, L.L.C. TO AMEND THE WEST PARK COMMUNITY UNIT PLAN TO ADD SIX DWELLING UNITS FOR A TOTAL OF 29 DWELLING UNITS, WITH WAIVERS TO THE REQUIRED TURNAROUND DESIGN STANDARDS IN WEST B COURT AND THE CONNECTION OF WEST B COURT TO WEST B STREET, ON PROPERTY GENERALLY LOCATED AT S.W. 15TH COURT AND WEST A STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82856 WHEREAS, West Park, L.L.C. has submitted an application designated as Special Permit No. 1726B for authority to amend West Park Community Unit Plan to add six dwelling units for a total of 29 dwelling units

and an early childhood care facility for 150 children on property generally located at S.W. 15th Court and West A Street, and legally described to wit:

Lots 1-14, Outlot A and Outlot B, West Park Addition, located in the Southeast Quarter of Section 28, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amended 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 West Park, L.L.C., hereinafter referred to as "Permittee", to amend West Park Community Unit Plan to add six dwelling units for a total of 29 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 an increase in the number of total dwelling units from 23 to 29 in the West Park Community Unit Plan.
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 the area of this community unit plan must be approved by the City.
 - d. The operation and the premises of the early childhood care facility must meet appropriate local and state licensing requirements, including compliance with health codes.
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 homeowners 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.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Glenn Friendt

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

WAIVING THE RIGHT OF THE CITY OF LINCOLN TO OBJECT TO THE VALIDITY OF THE CONVEYANCE OF THAT A PORTION OF LOT 98 I.T. IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., FROM LARRY MACIEJEWSKI AND JOANN MACIEJEWSKI TO JEFFREY J. FREDRICK AND DENISE FREDRICK ON THE GROUND THAT THE CONVEYANCE FAILED TO COMPLY WITH THE REQUIREMENTS RELATING TO SUBDIVISION APPROVAL - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82857 WHEREAS, on December 29, 2000 Jeffrey J. Fredrick and L. Denise Fredrick, husband and wife, purchased a parcel of property from Larry Maciejewski and Joann Maciejewski; said parcel of land being described as:

A part of Lot 98 I.T., in the Northeast Quarter of Section 27, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and being more particularly described by metes and bounds as follows:
Beginning at a 5/8 inch x 30 inch rebar for the northeast corner of the tract herein described on the south right-of-way line of West O Street, said point also being the northeast corner of said Lot 98 I.T., and being south 89 degrees 28 minutes 18 seconds west, 754.10 feet, and south 00 degrees 31 minutes 42

seconds east, 92.32 feet from the northeast corner of the aforesaid Section 27; thence south 00 degrees 09 minutes 09 seconds east (assumed bearing), a distance of 79.10 feet along and with the east line of said Lot 98 I.T., to the point of curvature of a curve to the right, having a central angle of 07 degrees 40 minutes 00 seconds, a radius of 2172.01 feet, an arc length of 290.63 feet, and a chord bearing south 03 degrees 41 minutes 00 seconds west, 290.42 feet; thence southwesterly along and with the arc of said curve, a distance of 290.63 feet to the point of tangency thereof; thence south 07 degrees 31 minutes 00 seconds west, continuing along the aforesaid east line of Lot 98 I.T., a distance of 150.79 feet to a point thereon for the southeast corner of the tract herein described; thence north 89 degrees 54 minutes 00 seconds west, a distance of 708.04 feet to the southeast corner of Lot 70 I.T., and being the southwest corner of the tract herein described; thence north 00 degrees 06 minutes 00 seconds east, a distance of 518.50 feet along and with the east line of said Lot 70 I.T., to the northeast corner thereof and the northwest corner of the tract herein describe, on the south right-of-way line of O Street; thence south 89 degrees 53 minutes 55 seconds east, a distance of 745.31 feet along and with the said south right-of-way line to the place of beginning; and

WHEREAS, the conveyance to the Fredricks failed to comply with the requirements relating to subdivision approval; and

WHEREAS, the failure to comply with requirements relating to subdivision approval originally began with the conveyance of this parcel of land on February 27, 1997 by a Quitclaim Deed from Trillium Corporation, a Washington corporation, to Calla Corporation, a Washington corporation, and reoccurred again in the June 5, 2000 deed from Calla Corporation to the Maciejewskis; and

WHEREAS, Robert R. Otte, on behalf of Fredricks, has requested the City to consent to the validity of said conveyance in order to allow development of this parcel of land.

WHEREAS, the Planning Department has recommended that the City, in accordance with the provisions of Neb. Rev. Stat. § 76-2,110, waive its right to object to the validity of said conveyance; and

WHEREAS, in accordance with the provisions of Neb. Rev. Stat. § 76-2,100 the City of Lincoln desires to waive its right to object to the validity of said conveyance.

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

1. That the City of Lincoln hereby waives its right to object to the validity to the conveyance of that portion of Lot 98 I.T., in the Northeast Quarter of Section 27, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, as fully described above, from Larry Maciejewski and Joann Maciejewski to Jeffrey J. Fredrick and L. Denise Fredrick, filed of record with the Lancaster County Register of Deeds as Instrument No. 2001-006245.

2. That the City Clerk is directed to return an original of this Resolution to Robert R. Otte, Attorney at Law, P.O. Box 83439, Lincoln, NE 68501-3439, to be recorded with the Register of Deeds of Lancaster County.

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, JULY 19, 2004 AT 1:30 PM FOR AN APPLICATION OF KEN'S LIQUOR INC DBA MJ CATERING FOR A CLASS I LIQUOR LICENSE LOCATED AT 2604 PARK BOULEVARD - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82858 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 19, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 South 10th Street, Lincoln, NE, for Application of Ken's Liquor Inc dba "MJ Catering" for a Class "I" liquor license at 2604 Park Boulevard.

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

Introduced by Annette McRoy

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPARTMENT:

Use Permit No. 04002 - Application of Cameron Corporation for approximately 112 townhomes, with requests to waive front yard, rear yard, and side yard setbacks; sanitary sewer; water main; radius turnaround; lot area; and sanitary sewer; on property generally located at NW 13th Street and West Fletcher Avenue.

Special Permit No. 04035 - Andrea's Court Community Unit Plan, requested by Ross Engineering Inc, for 32 townhome units and Believers Fellowship Church, with requests to waive detention/retention storage, the Preliminary Plat process, sidewalks, and minimum square foot townhome lot, on property generally located at North 40th Street and Superior Street.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 28, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR JUNE, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF JUNE 21 THRU JULY 2, 2004 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82859 BE IT HEREBY THE RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Annette McRoy

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED MAY 31, 2004 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82860 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended May 31, 2004, \$304,142.28 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Annette McRoy

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

REPORT FROM THE CITY TREASURER OF TELECOMMUNICATION OCC. TAX FOR MAY, 2004: LIBERTY WIRELESS, VIRGIN MOBILE USA, AT&T COMM OF MIDWEST, ON STAR CORP, BUYERS UNITED, CRICKET COMM, ACN COMM SERVICES, VOICECOM TELECOM, QWEST COMM CORP, WORKING ASSETS FUNDING SERVICE, VERIZON SELECT SERVICES, INTELICAL OPERATOR SERVICES, BROADWING COMM, BELL ATLANTIC COMM, GLOBAL CROSSING TELECOM, USCOC OF GREATER IOWA, ONE CALL COMM, CINCINNATI BELL, NETWORK BILLING SYSTEMS, XO LONG DISTANCE SERVICES, TRACFONE WIRELESS, IBM GLOBAL SERVICES, T-NETIX TELECOM SERVICES, UNITED SYSTEMS ACCESS TELECOM, QUANTUM SHIFT COMM, MCLEODUSA TELECOM, SHAFFER COMM, GUARANTEED PHONE SERVICE, CELLULAR ONE, SPRINT COMM CO LIMITED PARTNERSHIP, MCI TELECOM, NEXTEL WEST CORP, NEXTEL PARTNERS, ALLTEL SYSTEMS OF THE MIDWEST, ALLTEL NEBRASKA INC, ALLTEL COMM OF NEBRASKA, TRANS NATIONAL COMM INTERNATIONAL, PRIMUS TELECOM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM AQUILA FOR THE MONTH OF MAY, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS
(Resolutions listed hereunder advance to Public Hearing on 7/19/04)

VACATION 03013 - VACATING SOUTH 49TH STREET BETWEEN PRESCOTT AND LOWELL AVENUES AND THE WEST 50' OF THE ALLEY EAST OF SOUTH 49TH STREET BETWEEN PRESCOTT AND LOWELL AVENUES - CLERK read an ordinance, introduced by Annette McRoy, vacating South 49th Street between Prescott and Lowell Avenues, and the west 50' of the alley east of South 49th Street between Prescott and Lowell Avenues, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

VACATION 04002 - VACATING THE REMAINING PORTION OF NORTH 47TH STREET BETWEEN THE NORTH LINE OF W STREET AND THE SOUTH LINE OF THE VACATED MISSOURI PACIFIC RAILROAD - CLERK read an ordinance, introduced by Annette McRoy, vacating the remaining portion of North 47th Street between the north line of W Street and the south line of the vacated Missouri Pacific Railroad, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 04031 - APPLICATION OF ROSE INVESTMENTS, INC. FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO P PUBIC USE DISTRICT AND R-4 RESIDENTIAL DISTRICT, AND FROM R-4 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED WEST OF NORTH 33RD STREET AND SOUTH OF APPLE STREET - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

SPECIAL PERMIT 04023 - APPLICATION OF ROSE INVESTMENTS, INC. TO DEVELOP FLAT IRON CROSSING COMMUNITY UNIT PLAN FOR 34 DWELLING UNITS, INCLUDING WAIVERS OF THE MAXIMUM BLOCK LENGTH, PEDESTRIAN WAY EASEMENT, LOT DEPTH TO WIDTH RATIO, RECREATIONAL FACILITY, AND LOCATION OF SANITARY SEWER MAIN, ON PROPERTY GENERALLY LOCATED WEST OF NORTH 33RD STREET AND SOUTH OF APPLE STREET.

ORDINANCES - 3RD READING & RESOLUTIONS FOR ACTION

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18397**, is recorded in Ordinance Book #25.

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 third time.

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

The ordinance, being numbered **#18398**, is recorded in Ordinance Book #25.

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 third time.

COOK 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 **#18399**, is recorded in Ordinance Book #25.

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 third time.

COOK 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 **#18400**, is recorded in Ordinance Book #25.

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

A-82861 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Cardinal Heights 2nd Addition Conditional Annexation Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Hartland Homes, Inc. outlining certain conditions and understandings relating to the annexation of approximately 20.92 acres of property generally located on the west side of N.W. 56th Street between West Adams Street and West Holdrege Street, 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 Jonathan Cook
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: Friendt.

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 third time.

COOK 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 #18401, is recorded in Ordinance Book #25.

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

A-82862 WHEREAS, Hartland Homes, Inc. has submitted an application designated as Special Permit No. 2045 for authority to develop Hartland's Cardinal Heights 2nd Community Unit Plan consisting of 56 dwelling units, together with requested waivers to allow sanitary sewer lines to run opposite street grades, to allow the transfer of sanitary sewer from one basin to another, to allow lots to exceed the 3:1 lot depth to width ratio, to allow lots with less than the minimum required lot width, to allow lots with less than the minimum required lot area, and to waive the preliminary plat process, on property generally located at N.W. 56th Street and W. Thatcher Lane, and legally described to wit:

A part of the North Half of the Southeast Quarter of Section 13, Township 10 North, Range 5 East of the 6th P.M., Lancaster County, more particularly described as follows:

Beginning at the southeast corner of said North Half and extending thence north 00 degrees 00 minutes 00 seconds east, 1320.16 feet to the East Quarter corner of said Section 13; thence south 89 degrees 56 minutes 40 seconds west, 390.00 feet; thence south 00 degrees 00 minutes 00 seconds west, 555.80 feet; thence north 90 degrees 00 minutes 00 seconds west, 495.30 feet; thence south 00 degrees 00 minutes 00 seconds west, 190.00 feet; thence south 07 degrees 22 minutes 36 seconds west, 352.88 feet; thence south 00 degrees 00 minutes 17 seconds east, 224.10 feet; thence north 89 degrees 59 minutes 43 seconds east, 930.59 feet to the point of beginning; containing 20.92 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this 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 (LMC) 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 Hartland Homes, Inc., hereinafter referred to as "Permittee", to develop Hartland's Cardinal Heights 2nd Community Unit Plan consisting of 56 dwelling units, together with requested waivers to allow sanitary sewer lines to run opposite street grades, to allow the transfer of sanitary sewer from one basin to another, to allow lots to exceed the 3:1 lot depth to width ratio, to allow lots with less than the minimum required lot width, to allow lots with less than the minimum required lot area, and to waive the preliminary plat process, 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 LMC 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. 56 dwelling units and allows the following variances to the City of Lincoln Design Standards and Land Subdivision Ordinance as they are consistent with the intent of Chapter 27.65 of the LMC (Community Unit Plans) in allowing creative methods to preserve natural features:

i. The requirement of Section 3.6 of the Sanitary Sewer Design Standards that the slope of the sanitary sewer should parallel the slope of the street is waived

ii. The requirement of Section 2.1 of the Sanitary Sewer Design Standards prohibiting the transfer of wastewater from one watershed to another is waived to allow the transfer of sanitary sewer from one basin to another.

iii. The requirement of Section 26.23.140(a) of the LMC that a residential lot have a maximum depth of three times its width is waived.

iv. The requirement of Section 26.23.140(a) of the LMC that minimum lot width and area requirements shall conform to the zoning ordinance is waived to allow lots with less than the minimum required lot width and to allow lots with less than the minimum required lot area.

b. The requirement of Section 26.11.020 of the LMC that the special permit accompany the filing of a preliminary plat and that a preliminary plat be required for all subdivisions 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 seven 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 after:

i. The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the Permittee has submitted a bond or an escrow of security agreement to guarantee their completion.

ii. The permittee has signed an agreement that binds the permittee, its successors and assigns:

(a) To complete the street paving of NW 57th, NW 58th Streets, W. Partridge Lane and W. Thatcher Lane, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

(b) To complete the installation of sidewalks along both sides of NW 57th, NW 58th Streets, W. Partridge Lane, W. Thatcher Lane and along the west side of NW 56th Street as shown on the final plat within four (4) years following the approval of the final plat.

(c) To complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

(d) To complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

(e) To complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

(f) To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.

(g) To complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.

(h) To complete the planting of the street trees within this plat within four (4) years following the approval of the final plat.

(i) To complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

(j) To complete the installation of the street name signs within two (2) years following the approval of the final plat.

(k) To complete the installation of temporary turnarounds and barricades located at the temporary dead-end of NW 57th, NW 58th Streets, W. Partridge Lane and W. Thatcher Lane within two years following the Planning Commission's approval of this final plat.

(l) To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

(m) To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

(n) To complete the public and private improvements shown on the Community Unit Plan.

(o) To retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the permittee may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The permittee shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

(p) To submit to the lot buyers and home builders a copy of the soil analysis.

(q) To pay all design, engineering, labor, material, inspection, and other improvement costs.

(r) To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

(s) To protect the trees that are indicated to remain during construction and development.

(t) To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of stormwater detention/ retention facilities as they were designed and constructed within the development, and that these are the responsibility of the Subdivider.

(u) To relinquish the right of direct vehicular access from Lot(s) 1-18, Block 1 and Lot 1, Block 2 to NW 56th Street.

(v) To post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.

(w) To disclose to potential purchasers that a private landing strip exists to the northeast of this property.

3. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, 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.

4. 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 Jonathan Cook

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

**REGULAR MEETING
JULY 12, 2004
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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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSTAINING: Cook.
The ordinance, being numbered **#18402**, is recorded in Ordinance Book #25.

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 third time.

COOK Moved to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18403**, is recorded in Ordinance Book #25.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to July 19, 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 19, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 2:43 P.M.

CAMP Moved to adjourn the City Council meeting of July 12, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Teresa J. Meier, Deputy City Clerk

Jamie Neddenriep, Senior Office Assistant