

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 30, 2006 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Newman; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; City Clerk, Joan E. Ross; Absent: None.

Council Chair Newman 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 October 23, 2006, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF B&R STORES, INC. DBA RUSS'S MARKET #2 FOR A CLASS C LIQUOR LICENSE AT 130 N. 66TH STREET;
MANAGER APPLICATION OF JAMES C. KELSEY FOR B&R STORES, INC. DBA RUSS'S MARKET #2 AT 130 N. 66TH STREET - James C. Kelsey, 6252 Holdrege Street, took oath and came forward to answer questions.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1 - 15, 2006
Ron , representing Victory Marine, LLC, no address given, came forward on a claim he submitted to the City of Lincoln, but the item was not on the agenda at this time. He was referred to the Law Department.

This matter was taken under advisement.

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE FOR AMBULANCE SERVICE AND IMPLEMENTING RECOMMENDATIONS OF THE EMS REVIEW COMMITTEE - Don Herz, Finance Director, came forward to give an overview of the financial status of the ambulance service and to answer questions.

Joan Anderson, EMS, Inc., 5625 O Street, came forward to clarify the operation recommendations and what is being asked of EMS, Inc. She was available for questions. Discussion followed.

Russ Bayer, no address given, came forward to state he was not agreeable to the first Whereas, but was comfortable with the remainder of the resolution and is in favor of the resolution. Discussion followed.

Jay Wilger, Midwest Medical Transport, the non-emergency provider, came forward in favor of the resolution. Discussion followed.

Mike Morosin, 2055 "S" Street, came forward to ask if there was going to be a paramedic on the trucks. Discussion continued.

This matter was taken under advisement.

BREAK 6:20 p.m.

RECONVENED 6:34 p.m.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF B&R STORES, INC. DBA RUSS'S MARKET #2 FOR A CLASS C LIQUOR LICENSE AT 130 N. 66TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-84087 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of B&R Stores, Inc. dba Russ's Market #2 for a Class "C" liquor license at 130 N. 66th Street, Lincoln, Nebraska, for the license

period ending October 31, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

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

MANAGER APPLICATION OF JAMES C. KELSEY FOR B&R STORES, INC. DBA RUSS'S MARKET #2 AT 130 N. 66TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-84088 WHEREAS, B & R Stores, Inc. d/b/a "Russ's Market #2" located at 130 N. 66th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that James C. Kelsey be named manager;

WHEREAS, James C. Kelsey appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that James C. Kelsey be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1 - 15, 2006 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84089 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 October 16, 2006, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

| | <u>DENIED</u> | <u>ALLOWED OR SETTLED</u> |
|-----------------------------------|---------------|-----------------------------------|
| Allied Insurance & Julie Chilcott | \$3,403.67 | Tyson Poskochil \$3,000.00 |
| William K. Galusha | 100.00 | Dennis Omelia 193.88 |
| Virginia Pierson | 10.00 | Wacki Kuku 1,897.97 |
| | | Myron Elrod & Donita Elrod 134.12 |

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

USE PERMIT 146B - APPLICATION OF WEST GATE BANK TO ADJUST THE SIGN REQUIREMENTS TO ALLOW AN ADDITIONAL GROUND SIGN IN EXCESS OF THE MAXIMUM AREA ALLOWED, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY ROAD AND HIGHWAY 2 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84090 WHEREAS, West Gate Bank has submitted an application in accordance with Sections 27.27.080 and 27.69.044 of the Lincoln Municipal Code designated as Use Permit No. 146B for authority to modify the O-3 Zoning District sign regulations to permit the installation of an additional ground sign and to allow the sign area for ground signs to exceed the maximum allowed sign area on property generally located northeast of the intersection of Old Cheney Road and Highway 2, and legally described as

follows:

Lot 1, West Gate Bank Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for these ground signs 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 Gate Bank, hereinafter referred to as "Permittee", to install an additional ground sign and to allow the sign area for ground signs to exceed the maximum allowed sign area be and the same is hereby granted under the provisions of Sections 27.27.080 and 27.69.044 of the Lincoln Municipal Code upon condition that installation of said sign be in strict compliance with the application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves adjustments to the sign requirements for the O-3 zoning district to allow an additional ground sign that exceeds both the maximum number and sign area for a ground sign in the O-3 zoning district.

2. Before receiving building permits:

a. The permittee must submit an acceptable reproducible final plan including five copies showing the following revisions:

i. Note #19 revised to state: Adjustments to Section 27.69.044 of the Lincoln Municipal Code including sign height, area and number of signs were granted to allow the signs shown on this site plan. Signs otherwise shall comply with the requirements of sign code, including sight distance, at the time of sign permit.

ii. Revise the title block of the ground sign detail elevation to state: Ground signs at entrance.

iii. Delete the term "proposed" from the labels identifying all signs.

b. The construction plans must conform to the approved plans.

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

4. 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 this use permit or take such other action as may be necessary to gain compliance.

5. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use 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 this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

6. The site plan as approved with this resolution voids and supersedes all previously approved site plan, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Annette McRoy

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

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE FOR AMBULANCE SERVICE AND IMPLEMENTING RECOMMENDATIONS OF THE EMS REVIEW COMMITTEE - PRIOR to reading:

COOK Moved to amend Bill No 06R-207 on page 2, line 11 by changing (AIS) to read (ALS) and on page 2, line 12 by changing the word Medial to read Medical.

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

CAMP Moved to amend Bill No. 06R-207 by deleting "public" and replace with quality then delete "working in cooperation with private providers" and replace with that includes cooperation between the public and private sectors.

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

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

A-84091 WHEREAS, Lincoln's citizens will be best served by a public quality ambulance service ~~working in cooperation with private providers that includes cooperation between the public and private sectors;~~ and

WHEREAS, a group of citizens and leaders in the medical community provided recommendations to improve the financial services in their evaluation, "Lincoln Fire and Rescue Emergency Care 5 Year Review"; and

WHEREAS, the City Council wants to maintain the current level of medical care being provided by the Lincoln Fire and Rescue EMS Service and support opportunities to improve operations; and

WHEREAS, the "Lincoln Fire and Rescue Emergency Care 5 Year Review" recommended cost savings measures such as changes to the billing process to expedite the delivery of bills; and

WHEREAS, the Review recommended several studies on Fire operations; and

WHEREAS, a private ambulance provider may be able to provide some medical transport services more efficiently; and

WHEREAS, the City Council desires to adopt the proposed rate schedule attached hereto and marked as Attachment "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the City Council calls on the Mayor's office to advertise a "Request for Proposals" for the Lincoln Fire & Rescue EMS service billing. The current billing contract expires in May, 2007. The City Council believes that starting the RFP process in November, 2006 or earlier will allow for increased competition, potentially lower costs to the City, and an appropriate transition period should the billing provider change.

BE IT FURTHER RESOLVED that the City Council calls on EMS Inc. to complete the following studies as outlined in the "Lincoln Fire and Rescue Emergency Care 5 Year Review":

1. An in-depth review of the number and types of calls to determine the financial and quality impact of potentially referring Alpha calls to the private sector and/or change the LFR resources utilized on these types of calls.

2. A full system management study to evaluate the need for staffing five ambulances, 24 hours a day, seven days a week.

3. Re-evaluate the response time measurement requirements to determine when the first Advanced Life Support (~~ALS~~) (ALS) provider arrives on the scene.

4. Evaluate the Special ~~Medical~~ Medical Services Transports.

BE IT FURTHER RESOLVED that the City 911 Center will facilitate the establishment of a direct communications link with Midwest Medical to save time in those circumstances where an emergency call comes into Midwest Medical rather than the City 911 Center.

BE IT FURTHER RESOLVED that the Lincoln Fire & Rescue is hereby directed to evaluate the cost effectiveness and financial impacts of stand-by services, including an examination of overtime needed and whether on-duty personnel can be more effectively utilized to staff stand-by events.

BE IT FURTHER RESOLVED that the proposed rate schedule, attached hereto, marked as Attachment "A" and made a part hereof by reference, is hereby approved and shall take effect November 15, 2006.

Introduced by Annette McRoy

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

PETITIONS AND COMMUNICATIONS

FORMAL PETITION FOR THE CREATION OF A SPECIAL ASSESSMENT DISTRICT FOR THE ACQUISITION, GRADING, PAVING, STORM SEWER, SIDEWALKS, ORNAMENTAL STREET LIGHTING, WATER LINE, OTHER UTILITIES AND STREET TREES TO ALLOW THE STREET CONNECTION OF NORTH 50TH FROM O STREET TO R STREET TO FULFILL A CONDITION OF THE REDEVELOPMENT AGREEMENT - CLERK presented said report which was placed on file in the Office of the City Clerk.

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 06071 - App. of Director of Parks and Recreation to change from AG to R-3 and AG to P Public Use District on property at Coddington Avenue and West Van Dorn Street.

Change of Zone 06072 - App. of Rezac-Pickering-Williams, LLC to change from AG to AGR on property located at SW 27th Street and W Denton Road.

Special Permit 06062 - App. of E.S.P., Inc. for extraction of soil on property located at N. 56th Street and Waverly Road.

Special Permit 06067 - App. of Architectural Design Associates, P.C. for an approximately 100' tall broadcast tower, with request to waive the fall zone, on property located at S. 44th Street and N Street.

Special Permit 06068 - App. of Rezac-Pickering-Williams, LLC, The Bridges Community Unit Plan, for approximately 70 single family dwelling units, with requests to waive sidewalks, street trees, street lighting, landscape screening, block length, preliminary plat, storm water detention, sanitary sewer running opposite street grades, rollover curb in lieu of typical curb and gutter, front and rear yard setbacks, and BTA grading requirements for future roadways, on property located at SW 27th Street and W Denton Road.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 13, 2006 AT 1:30 P.M. FOR THE APP. OF B & R STORES, INC. DBA SUPER SAVER #17 FOR A CLASS C LIQUOR LICENSE LOCATED AT 2525 PINE LAKE ROAD - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84092 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., November 13, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of B & R Stores, Inc. dba Super Saver #17 for a Class C liquor license at 2525 Pine Lake Road.

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

Introduced by Ken Svoboda

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON OCTOBER 16, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ASSESSMENT RESOLUTION FOR BOARD OF EQUALIZATION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT TO BE HELD MONDAY, NOVEMBER 6, 2006 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84093 I move the adoption of the following resolution:

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

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Business Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Business Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$265,036.39; that the property set forth in the proposed Distribution of

Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Business Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 6th day of November, 2006, at 1:30 p.m., and on the _____ day of _____, 2006, at _____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Ken Svoboda

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

ASSESSMENT RESOLUTION FOR BOARD OF EQUALIZATION FOR CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY TO BE HELD MONDAY, NOVEMBER 6, 2006 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption: A-84094

I move the adoption of the following resolution:

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

That the cost of providing for the development of public activities and the promotion of public events in the Core Business Improvement District Overlay including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Core Business Improvement District Overlay", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$160,574.63; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Core Business Improvement District Overlay.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 6th day of November, 2006, at 1:30 p.m., and on the _____ day of _____, 2006, at _____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Ken Svoboda

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

ASSESSMENT RESOLUTION FOR BOARD OF EQUALIZATION FOR DOWNTOWN MAINTENANCE DISTRICT TO BE HELD MONDAY, NOVEMBER 6, 2006 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84095 I move the adoption of the following resolution:

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

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Maintenance Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Maintenance Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$193,420.85 that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 6th day of November, 2006, at 1:30 p.m., and on the _____ day of _____, 2006, at _____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Ken Svoboda

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$27,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION HIGHWAY ALLOCATION BONDS OF THE CITY OF LINCOLN, NEBRASKA - CLERK read an ordinance, introduced by Ken Svoboda, authorizing and providing for the issuance of General Obligation Highway Allocation Fund Bonds, Series 2006 in an aggregate principal amount not to exceed \$27,000,000 for the purpose of providing funds to pay the costs of constructing improvements to streets and state highway or federal-aid routes of the City and to pay the costs of issuing the bonds; prescribing certain of the terms of the bonds; delegating, authorizing and directing the Finance Director to exercise his or her own independent judgement and absolute discretion in (A) determining, fixing and finalizing the principal amount, rates of interest and the other terms and provisions of the bonds not specified herein, (B) determining the manner in which such bonds shall be sold, (C) accepting a bid or negotiating an agreement for the purchase of such bonds, and (D) determining and fixing the terms and provisions of any such sale agreement; pledging funds received from the Nebraska Highway

Allocation Fund and providing for the levy of a tax on all of the taxable property within the City to pay the principal and interest on such bonds; establishing the terms and conditions upon which additional highway allocation fund bonds may be issued; and related matters, the first time.

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND SPIRITS BY BECKMAN FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 708 N. CHESTNUT, WAHOO, NEBRASKA - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a Lease Agreement between the City of Lincoln and Spirits by Beckman for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) at 708 N. Chestnut, Wahoo, NE 68066, for a one-year term from September 1, 2006 through August 31, 2007 the first time.

AMENDING SECTION 2.76.385 OF THE LINCOLN MUNICIPAL CODE TO REVISE AND CLARIFY THAT FUNERAL LEAVE IS ALLOWED FOR EMPLOYEES ATTENDING THE FUNERAL OF A FELLOW EMPLOYEE - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 2.76.395 of the Lincoln Municipal Code relating to funeral leave to clarify that funeral leave is allowed for an employee to attend the funeral of a fellow employee; and repealing Section 2.76.385 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND NEW CINGULAR WIRELESS PCS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT VAN DORN PARK GENERALLY LOCATED AT S. 10TH AND VAN DORN STREET - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and New Cingular Wireless PCS, LLC dba Cingular for the placement of telecommunications facilities upon City property located in Van Dorn Park and authorizing the Mayor to sign such License Agreement on behalf of the City, the first time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND NEW CINGULAR WIRELESS PCS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT PIONEERS PARK GENERALLY LOCATED AT 3403 WEST VAN DORN STREET - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and New Cingular Wireless PCS, LLC dba Cingular for the placement of telecommunications facilities upon City property located in Pioneers Park and authorizing the Mayor to sign such License Agreement on behalf of the City, the first time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND VERIZON WIRELESS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT HOLMES LAKE PARK GENERALLY LOCATED AT 3801 S. 70TH STREET. STREET - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving the License Agreements between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC dba Verizon Wireless for the placement of telecommunications facilities upon City property located in Holmes Lake Park and authorizing the Mayor to sign such License Agreement on behalf of the City, the first time.

VACATION NO. 06006 - VACATING THE EAST-WEST ALLEY BETWEEN Q AND R STREETS FROM 24TH STREET TO 25TH STREET - CLERK read an ordinance, introduced by Ken Svoboda, vacating the east-west alley between Q and R Streets from 24th Street to 25th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 06059 - AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTION 27.69.020 TO ADD DEFINITIONS FOR THE TERMS ANIMATION, DISSOLVE, FADE, NIT AND SCROLL AND TO REVISE THE DEFINITIONS OF THE TERMS CHANGEABLE COPY SIGN, ELECTRIC CHANGEABLE COPY SIGN, FLASHING/BLINKING/PULSATING SIGN, AND ILLUMINATED SIGN; AMENDING SECTION 27.69.030 TO PROVIDE STANDARDS FOR ILLUMINATION, TO PROHIBIT SIGNS WHICH DISPLAY AN ANIMATED MESSAGE OR SIMULATES ANIMATION AND TO PROVIDE REGULATIONS FOR ELECTRONIC CHANGEABLE COPY SIGNS; BY AMENDING SECTION 27.69.035 TO MODIFY PROVISIONS REGARDING ADMINISTRATIVE PERMITS FOR OFF-PREMISES SIGNS, TO REQUIRE THAT ANY TWO OFF-PREMISES ELECTRONIC CHANGEABLE COPY SIGNS BE 5,000 FEET APART MEASURED IN ALL DIRECTIONS, TO

ALLOW EXISTING OFF-PREMISES SIGNS TO BE CONVERTED TO ELECTRONIC CHANGEABLE COPY SIGNS PROVIDED THE SIGN IS LOCATED AT LEAST 150 FEET FROM AND DOES NOT FACE A RESIDENTIAL DISTRICT, CEMETERY OR PARK, TO ALLOW ILLUMINATION OF OFF-PREMISES SIGNS BETWEEN MIDNIGHT AND 5:00 A.M. FOR GOVERNMENT INITIATED EMERGENCY INFORMATION ANNOUNCEMENTS, TO REVISE PROVISIONS REGARDING REMOVAL OF EXISTING NONCONFORMING OFF-PREMISES SIGNS IN ORDER TO INSTALL A NEW OFF-PREMISES SIGN; BY AMENDING SECTION 27.69.070 TO ALLOW ON-PREMISES SIGNS IN THE B-4 DISTRICT TO BE ANIMATED OR TO SIMULATE ANIMATION; BY REPEALING SECTION 27.69.270 RELATING TO PUBLIC SERVICE INFORMATION SIGNS IN NONRESIDENTIAL DISTRICTS; AND AMENDING SECTION 27.69.330 TO ALLOW LED OR SIMILAR TECHNOLOGIES TO HAVE EXPOSED ILLUMINATION - CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 27.69 of the Lincoln Municipal Code relating to signs by amending Sections 27.69.020, 27.69.030, 27.69.035, 27.69.070, 27.69.270, and 27.69.330 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE FIRTH COMMUNITY CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 311 NEMAHA STREET, FIRTH, NE FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Dan Marvin, accepting and approving a Lease Agreement between the City of Lincoln and Firth Community Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 311 Nemaha Street, Firth, NE for a term beginning September 1, 2006 through August 31, 2007, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18836**, is recorded in Ordinance Book #25, Page

STREET NAME CHANGE NO. 06008 - NAMING THE UNNAMED STREET ENTERING EAST CAMPUS AS "DAIRY STORE DRIVE" LOCATED NORTH OFF OF HOLDREGE STREET BETWEEN 37TH AND 38TH STREETS - CLERK read an ordinance, introduced by Dan Marvin, naming the unnamed street entering East Campus as "Dairy Store Drive" located north off of Holdrege Street between 37th and 38th Streets, as recommended by the Street Name Committee, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18837**, is recorded in Ordinance Book #25, Page

STREET NAME CHANGE NO. 06007 - RENAMING "SALT CREEK ROAD" AS "OX BOW ROAD" AND "ENTERPRISE CIRCLE" AS "OX BOW COURT" IN LANDMARK CORPORATE CENTER PRELIMINARY AND FINAL PLATS GENERALLY LOCATED AT N. 33RD STREET AND FOLKWAYS BOULEVARD - CLERK read an ordinance, introduced by Dan Marvin, changing the name of "Salt Creek Road" to "Ox Bow Road" and "Enterprise Circle" to "Ox Bow Court" located N. 33rd Street and Folkways Boulevard, as recommended by the Street Name Committee, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18838**, is recorded in Ordinance Book #25, Page

ANNEXATION NO. 06014 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.67 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND PENNSYLVANIA AVENUE. (RELATED ITEMS: 06-187, 06-188, 06R-204), - CLERK read an ordinance, introduced by Dan Marvin, 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.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18839**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE NO. 06053 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND PENNSYLVANIA AVENUE. (RELATED ITEMS: 06-187, 06-188, 06R-204) - CLERK read an ordinance, introduced by Dan Marvin, 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.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered #18840, is recorded in Ordinance Book #25, Page

APPEAL OF HARTLAND HOMES INC. FROM THE CONDITIONS OF THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 5015A, FOR THE DEVELOPMENT OF HARTLAND'S GARDEN VALLEY COMMUNITY UNIT PLAN ON PROPERTY GENERALLY LOCATED NORTHWEST OF N. 14TH STREET AND PENNSYLVANIA AVENUE. (RELATED ITEMS: 06-187, 06-188, 06R-204) (ACTION DATE: 10/30/06).

SVOBODA Moved to Bill No. 06R-204 as follows on page 3, line 12, after the word "Block 9: insert the following language: and Block 18 and on page 7, lines 8 and 9 delete the following language: "(3) Show Mum Dr. extending west from Jayden Avenue as shown on the approved site plan of Special Permit #05015."

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

MARVIN Moved to amend Bill No. 06R-204 on page 3, line 12 after the word length, insert To provide a pedestrian walkway that shall extend within the area of the sanitary sewer easement from McLou Lane to Fletcher Avenue, or other walkway that is agreeable to both Planning Department and the Developer.

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

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

A-84096 WHEREAS, Hartland Homes, Inc. has submitted an application designated as Special Permit No. 05015A for authority to amend Hartland's Garden Valley Community Unit Plan by adding 4.67 acres and 23 lots, with requested waivers to the Zoning Code, Land Subdivision Ordinance, and City of Lincoln Design Standards to allow blocks to exceed maximum block lengths, to reduce average lot width, to reduce lot area, to allow double frontage lots, to eliminate pedestrian easements, and to allow sanitary sewer to flow opposite street grades on property generally located northwest of N. 14th Street and Fletcher Avenue, and legally described as:

Lots 1 through 7, Block 1, Lots 1 through 11, Block 2, Lots 1 through 4, Block 3, Lots 1 through 18, Block 4, Outlots 'A', 'B', 'C', 'D', 'E', 'F', and internal street right-of-way, Hartland's Garden Valley Addition, Located in the Southeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th. P.M., Lincoln, Lancaster County Nebraska, and more particularly described as follows:

Beginning at the Northeast corner of said Outlot 'E'; thence along the East line of said Outlot 'E', said line also being the West Right-of-Way line of North 14th Street S 00°12'41" W a distance of 1228.72' to the Southeast corner of said Outlot 'E'; thence along the North Right-of-Way line of Pennsylvania Avenue, N 89°51'18" W a distance of 1919.41' to the Southwest corner of said Outlot 'C'; thence along the West line of said Outlot 'C' & 'B', N 00°21'42" E a distance of 937.20' to the Northwest Corner of said Outlot 'B'; thence along the South line of said Outlot 'A', N 89°54'10" W a distance of 626.06' to the Southwest corner of said Outlot 'A'; thence along the West line of said Outlot 'A', said line also being the East Right-of-Way line of North 7th Street N 00°25'29" E a distance of 304.23' to the Northwest corner of said Outlot 'A'; thence along the South Right-of-Way line of Humphrey Avenue S 89°55'07" E a distance of

2261.97'; thence along the West Right-of-Way line of North 13th Street, S 00°04'53" W a distance of 10.00'; thence along the South Right-of-Way line of Humphrey Avenue, S 89°55'07" E a distance of 170.00'; thence S 00°04'53" W a distance of 5.00'; thence along the South Right-of-Way line of Humphrey Avenue, S 89°55'07" E a distance of 109.87' to the point of beginning, having an area of 2,570,247.35 square feet or 59.0 acres, more or less.

and

Lot 2 and Lot 3 except the South 7.00 feet and part of Lot 1, Block 4, and the East Half of Lots 1 and 4 except the South 7.00 feet, Block 3, and that part of North 11th Street which lies between Blocks 3 and 4, Garden Valley, located in the Southeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th. P.M., Lincoln, Lancaster County Nebraska, and more particularly described as follows:

Beginning at the intersection of the East line of said Lot 3, Block 4 and the North Right-of-Way line of Fletcher Avenue; thence along the North Right-of-Way line of Fletcher Avenue N 89°46'39" W a distance of 1004.56' to a point on the North Right-of-Way line of Fletcher Avenue; thence N 00°18'05" E a distance of 1255.54' to a point on the North line of said Lot 1, Block 3; thence along the North line of said Blocks 3 and 4, said line also being the South Right-of-Way line of Southwick Avenue S 89°51'18" E a distance of 1342.15' to the Northeast corner of said part of Lot 1, Block 4; thence S 00°12'48" W a distance of 151.19'; thence S 00°11'45" W a distance of 449.85'; thence north 89°34'03" W a distance of 339.30'; thence along the East line of said Lot 3, Block 4 S 00°21'07" W a distance of 374.41'; thence S 00°06'04" W a distance of 283.15' to the point of beginning, having an area of 1,464,414.04 square feet or 33.62 acres, more or less.

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this amended community unit plan will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and 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 Hartland Homes, Inc. hereinafter referred to as "Permittee", to develop Hartland's Garden Valley Community Unit Plan for 346 dwelling units 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 of said dwelling units be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits:
 - a. 346 single-family dwelling units.
 - b. A waiver of Section 26.23.130 prohibiting block lengths to exceed 1,320 feet in order to allow Block 9 and Block 18 to exceed the maximum block length. To provide a pedestrian walkway that shall extend within the area of the sanitary sewer easement from McLou Lane to Fletcher Avenue, or other walkway that is agreeable to both Planning Department and the Developer.
 - c. A reduction of the required average lot width in the R-3 Residential District from 50 feet to 41 feet.

- d. A reduction of the required lot area in the R-3 Residential District from 6,000 sq. ft. to 4,500 sq. ft.
 - e. A waiver of Section 26.23.140(e) of the Lincoln Municipal Code prohibiting double frontage lots in order to allow Blocks 1 and 9 to have double frontage lots.
 - f. A waiver of Section 26.23.125 of the Lincoln Municipal Code requiring a pedestrian way when a block exceeds 1000 feet in length in order to eliminate the pedestrian way easement in Block 9.
 - g. A waiver of the Sanitary Sewer Design Standards § 3.6 to allow running sanitary sewer opposite street grades in Garden Valley Road and N. 10th Street.
2. The City Council must approve the following associated request:
- a. Change of Zone #06053.
 - b. Annexation #06014.
3. Final plats must be approved by the City. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval 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.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

4. The Planning Director may approve final plats after the Permittee has signed an agreement that binds the Permittee and Permittee's successors and assigns:
- a. To complete the street paving of public streets, 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 the streets and along the south side of Humphrey Ave., and the north side of Fletcher Ave. as shown on the final plat within four (4) years following the approval of the final plat.
 - c. To construct the sidewalk in the pedestrian way easements in Outlot 'B', Block 1 at the same time as Garden Valley Road is paved and to agree that no building permit shall be issued for construction on Lots 11 & 12, Block 1 until such time as the sidewalk in the pedestrian way easement is constructed.
 - d. To complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
 - e. To complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
 - f. To complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

- g. 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
- h. To complete the installation of public street lights along streets within this plat within two (2) years following the approval of the final plat.
- i. To complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.
- j. To complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
- k. To complete the installation of the street name signs within two (2) years following the approval of the final plat.
- l. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- m. 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.
- n. To complete the public and private improvements shown on the Community Unit Plan.
- o. 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.
- p. To retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Subdivider may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
 - (1) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
 - (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- q. To maintain the outlots and private improvements on a permanent and continuous basis.
- r. To keep taxes and special assessments on the outlots from becoming delinquent.
- s. To maintain the plants in the medians and islands on a permanent and continuous basis.
- t. To maintain the sidewalks in the pedestrian way easements on Outlot 'B', Block 1 on a permanent and continuous basis.
- u. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed

- and constructed within the development, and that these are the responsibility of the Subdivider.
- v. To submit to the lot buyers and home builders a copy of the soil analysis.
 - w. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - x. To protect the trees that are indicated to remain during construction and development
 - y. To relinquish the right of direct vehicular access from Lots 47-51, Block 9 and Outlot 'D' to N. 14th St.
5. Before a final plat is approved:
- a. The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - i. A revised site plan including 5 copies showing the following revisions:
 - (1) Show the existing right-of-way on N. 14th St., Humphrey Ave. and Pennsylvania Ave.
 - (2) Remove Lot 9, Block 19 from the CUP. Revise the boundary of the CUP. This lot is not shown within the boundary of the annexation.
 - (3) ~~Show Mum Dr. extending west from Jayden Ave. as shown on the approved site plan of Special Permit #05015.~~
 - (4) Revise the future street pattern so it allows the existing houses to remain.
 - (5) Remove or define the symbols for Lots 23-17, Block 13 and Lots 1, 3, & 4, Block 14 on the Landscape Plan.
 - (6) Add street trees on Crocus Dr. to the Landscape Schedule.
 - (7) Change the quantity of street trees for Bobby Lane.
 - (8) Add a note to the Landscape Plan stating that the installation of the plant material shall be by a certified landscape contractor as approved by the Parks and recreation Department.
 - (9) Revise the legal description on Sheet 1.
 - (10) Revise Note 1 on Sheet 1 to 19 blocks and 346 lots.
 - (11) On Sheet 1, delete "except an existing residential access for Lot 9, Block 19" from Note 10.
 - (12) Delete waiver #1, it is not necessary to request a waiver to a preliminary plat when doing a CUP.
 - (13) A future public park location shall be provided within the CUP to the satisfaction of the Parks & Recreation Department and as agreed to with the Owner. The Planning Director may deny any final plat which, prior to approval of a park location, may impair the ability of the public park to be located within the CUP.
 - (14) Show utility easements as requested by LES report of August 14, 2006.
 - (15) Make corrections to the satisfaction of Public Works and Utilities Department per their memo of August 17, 2006.
 - ii. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - b. The construction plans comply with the approved plans.
6. Before occupying the dwelling units all development and construction is to comply with the approved plans.

7. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.

8. 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.

9. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

10. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-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, filling fees therefor to be paid in advance by the Permittee.

Introduced by Dan Marvin

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

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Richard Esquivel, 733 W. Cumings, came forward to ask questions in regards to the issue of the past purchase of ambulances and to comment on the proposed drag strip in the county, the State Fair Park and Goodyear.

This matter was taken under advisement.

Mike Morosin, 2055 S Street, expressed concern for the safety of kids on Halloween.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to November 6, 2006.
Seconded by Svoboda and carried by the following vote: AYES: Camp, Svoboda, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on November 6, 2006.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 7:00 P.M.

CAMP Moved to adjourn the City Council meeting of October 30, 2006.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk, CMC

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
October 30, 2006
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