

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, APRIL 25, 2005 AT 5:30 P.M.**

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

Council Chair Werner 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 April 18, 2005, 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**

APPLICATION OF SHOGUN RK, INC. DBA SHOGUN FOR A CLASS I LIQUOR LICENSE AT 3701 SOUTH 9TH STREET, SUITE 2;

MANAGER APPLICATION OF HYANG S. KIM FOR SHOGUN RK, INC. DBA SHOGUN AT 3701 SOUTH 9TH STREET, SUITE 2 - Hyang S. Kim, Manager, 3701 S. 9<sup>th</sup> Street, took oath and came forward for approval.

This matter was taken under advisement.

APPLICATION OF ALLEY, INC. DBA THE ALLEY FOR AN ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 16 FEET BY 28 FEET AT 1031 M STREET - Joshua Hallett, 1031 "M" Street, took oath and came forward for approval.

This matter was taken under advisement.

APPROVING A COMMUNICATION SITE LICENSE AGREEMENT BETWEEN THE CITY AND VERIZON WIRELESS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT STAR CITY SHORES GENERALLY LOCATED AT 27TH STREET AND HIGHWAY 2;

APPROVING A COMMUNICATION SITE LICENSE AGREEMENT BETWEEN THE CITY AND NEXTEL PARTNERS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT STAR CITY SHORES GENERALLY LOCATED AT 27TH STREET AND HIGHWAY 2 - Danielle Epp, with Mega Corporation, and Rolyynn Ramirez, with Nextel Partners, came forward for approval.

This matter was taken under advisement.

APPROVING A ONE ~~THREE~~-YEAR ADVERTISING CONTRACT BETWEEN THE CITY AND DOUBLE EAGLE BEVERAGE FOR ADVERTISING AT PERSHING CENTER;

APPROVING A THREE-YEAR ADVERTISING CONTRACT BETWEEN THE CITY AND ALLTEL COMMUNICATIONS FOR ADVERTISING AT PERSHING CENTER - Tom Lorenz, General Manager of Pershing Center, came forward for approval.

This matter was taken under advisement.

AUTHORIZING THE USE OF THE PUBLIC RIGHT-OF-WAY BY WRK, LLC FOR INSTALLATION OF A DOCK AT 210 N. 14TH STREET - Nicole Fleck-Tooze, Public Works & Utilities, came forward to notify the Council that there is a Substitute Resolution for this item.

This matter was taken under advisement.

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

**MISCELLANEOUS BUSINESS - NONE**

**COUNCIL ACTION**

**LIQUOR RESOLUTIONS**

APPLICATION OF SHOGUN RK, INC. DBA SHOGUN FOR A CLASS I LIQUOR LICENSE AT 3701 SOUTH 9TH STREET, SUITE 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83291 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 Shogun RK, Inc. dba Shogun for a Class "I" liquor license at 3701 S. 9th Street, Suite 2, Lincoln, Nebraska, for the license period ending April 30, 2005, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF HYANG S. KIM FOR SHOGUN RK, INC. DBA SHOGUN AT 3701 SOUTH 9TH STREET, SUITE 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83292 WHEREAS, Shogun RK, Inc. dba Shogun located at 3701 S. 9th Street, Suite 2, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Hyang S. Kim be named manager; WHEREAS, Hyang S. Kim 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 Hyang S. Kim be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF ALLEY, INC. DBA THE ALLEY FOR AN ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 16 FEET BY 28 FEET AT 1031 M STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83293 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 Alley, Inc. dba The Alley to expand its licensed premises by the addition of an outside area measuring 16 feet by 28 feet at the presently licensed premises located at 1031 M Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

#### ORDINANCES - 2<sup>ND</sup> READING

APPROVING A COMMUNICATION SITE LICENSE AGREEMENT BETWEEN THE CITY AND VERIZON WIRELESS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT STAR CITY SHORES GENERALLY LOCATED AT 27TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by Patte Newman, accepting and approving the License Agreement 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 and authorizing the Mayor to sign such License Agreement on behalf of the City, the second time.

APPROVING A COMMUNICATION SITE LICENSE AGREEMENT BETWEEN THE CITY AND NEXTEL PARTNERS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT STAR CITY SHORES GENERALLY LOCATED AT 27TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by Patte Newman, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Nextel WIP Lease Corp., a Delaware Corp., dba Nextel Partners for the placement of telecommunications facilities upon City property and authorizing the Mayor to sign such License Agreement on behalf of the City, the second time.

RESOLUTIONS

APPROVING A ONE ~~THREE~~-YEAR ADVERTISING CONTRACT BETWEEN THE CITY AND DOUBLE EAGLE BEVERAGE FOR ADVERTISING AT PERSHING CENTER - PRIOR to reading:  
CAMP Moved to amend Bill No. 05R-81 in the following manner: on page 1, line 16, delete the word "three" and insert in lieu thereof the word one.

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

CLERK Read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83294 WHEREAS, the City of Lincoln owns and operates Pershing Municipal Auditorium located at 226 Centennial Mall South in Lincoln, Nebraska; and

WHEREAS, two exterior animated programmable electronic message systems, and one interior animated programmable electronic message system are located at said auditorium; and

WHEREAS, Double Eagle Beverage, LLC, a Nebraska corporation, 5840 N. 70th Street, Lincoln, NE 68507, (402) 467-3573, wishes to acquire the right to display advertisements on said message systems and the City is willing to grant certain advertising rights to Double Eagle Beverage LLC.

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

That the Advertising Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, by and between the City of Lincoln dba Pershing Municipal Auditorium and Double Eagle Beverage LLC, under which Double Eagle Beverage LLC is granted certain interior and exterior advertising rights at Pershing Municipal Auditorium for a one ~~three~~-year period on the terms and conditions as set forth in said Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed copy of said Advertising Agreement to Thomas Lorenz, Manager of Pershing Municipal Auditorium, and one fully executed copy to Double Eagle Beverage LLC.

Introduced by Patte Newman

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

APPROVING A THREE-YEAR ADVERTISING CONTRACT BETWEEN THE CITY AND ALLTEL COMMUNICATIONS FOR ADVERTISING AT PERSHING CENTER - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83295 WHEREAS, the City of Lincoln owns and operates Pershing Municipal Auditorium located at 226 Centennial Mall South in Lincoln, Nebraska; and

WHEREAS, two exterior animated programmable electronic message systems, and one interior animated programmable electronic message system are located at said auditorium; and

WHEREAS, Alltel Communications, Inc., 1440 M Street, Lincoln, NE 68508, (402) 436-4448, wishes to acquire the right to display advertisements on said message systems and the City is willing to grant certain advertising rights to Alltel Communications, Inc.

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

That the Advertising Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, by and between the City of Lincoln dba Pershing Municipal Auditorium and Alltel Communications, Inc., under which Alltel Communications, Inc. is granted certain interior and exterior advertising rights at Pershing Municipal Auditorium for a three-year period on the terms and conditions as set forth in said Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed copy of said Advertising Agreement to Thomas Lorenz, Manager of Pershing Municipal Auditorium, and one fully executed copy to Alltel Communications, Inc.

Introduced by Patte Newman

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

AUTHORIZING THE USE OF THE PUBLIC RIGHT-OF-WAY FOR INSTALLATION OF A FIBER OPTIC COMMUNICATION LINE IN NORTH 17TH STREET AND COURT STREET FROM THE UNIVERSITY OF NEBRASKA - LINCOLN CITY CAMPUS TO THE BOB DEVANEY SPORTS CENTER COMPLEX LOCATED AT 1600 COURT STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83296 WHEREAS, the University of Nebraska-Lincoln has submitted an application for a permit to use the public right-of-way in N. 17th Street and Court Street for the purpose of installing fiber optic communication line from the City Campus to the Bob Devaney Sports Center Complex located at 1600 Court Street; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the aforesaid application of the University of Nebraska-Lincoln, hereinafter referred to as Permittee, to use the public right-of-way in N. 17th Street and Court Street as shown on Exhibit "B", for the purpose of installing fiber optic communication line from the City Campus to the Bob Devaney Sports Center Complex located at 1600 Court Street be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code except that the provisions relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a certificate of insurance are waived since Permittee is a governmental entity.

2. That said use shall conform to the application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The Permittee, its successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

5. The terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittee, its successors and assigns.

6. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the Permittee shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall terminate.

Introduced by Patte Newman

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

AUTHORIZING THE USE OF THE PUBLIC RIGHT-OF-WAY BY WRK, LLC FOR INSTALLATION OF A DOCK AT 210 N. 14TH STREET - PRIOR to reading:

NEWMAN Moved to accept a substitute resolution for Bill No. 05R-84.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83297 WHEREAS, WRK, LLC has submitted an application for a permit to use the public right-of-way on property generally located at the northeast corner of 14th and P Streets, for installation of a dock at 210 N. 14th Street; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the application aforesaid of WRK, LLC to use the public right-of-way at the northeast corner of 14th and P Streets for the purpose of constructing a dock, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the applicant shall submit for review and approval by the Director of Public Works and Utilities a revised site plan showing a clear 7-foot wide sidewalk adjacent to the proposed dock, the relocation of the two pedestrian lights, modification of the planting beds, relocation or removal and replacement of one street tree along 14th Street whichever is most feasible and possible in relation to the location of underground utilities as determined by the City Arborist, re-construction of the sidewalk to provide a 7-foot sidewalk space, the location of the dock extension footings relative to the traffic signal cable, and the relocation of the footings if they come into conflict with the traffic signal cable.

2. That the required modifications relating to the relocation of the pedestrian lights and street tree relocation, or replacement, modification of the planting beds, reconstruction of the sidewalk to provide the required 7-foot sidewalk space, and the relocation of the traffic signal cable if there is a conflict with the dock extension footings, shall be completed by the applicant at the applicant's expense to the satisfaction of the Director of Public Works and Utilities and the City Arborist.

3. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for the use of the surface of the public right-of-way fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by the square footage of the use of the space.

4. That said use shall be in full accordance with the aforesaid application, the revised site plan approved by the Director of Public Works & Utilities, and with all applicable City ordinances and regulations.

5. That the applicant, its heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

6. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works and Utilities of the City of Lincoln.

7. That the use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicant, and its heirs, successors and assigns.

8. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

Introduced by Jon Camp

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

#### PETITIONS & COMMUNICATIONS

INFORMAL PETITION SUBMITTED BY CHERYL L. WOLFE REQUESTED TO CREATE A WATER DISTRICT IN ROSELYN TERRACE FROM 16<sup>TH</sup> TO 17<sup>TH</sup> STREETS - CLERK presented said petition which was referred to the Public Works & Utilities Department.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE CITY COUNCIL ON APRIL 18, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK ENDING APRIL 4 THRU APRIL 22, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83298 BE IT HEREBY 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 Ken Svoboda

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

ASSESSMENT RESOLUTION FOR THE NORTH 27<sup>TH</sup> STREET MAINTENANCE DISTRICT FOR BOARD OF EQUALIZATION MEETING TO BE HELD ON MONDAY, MAY 2, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83299 Business Improvement District Act. North 27th Street Maintenance Business Improvement District.

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

1. The cost of providing for the maintenance of certain public facilities in the North 27th Street Maintenance Business Improvement District including:

a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way;  
b. Care and maintenance, including replacement, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings;  
c. Maintenance (excluding repair) of sidewalks;  
d. General maintenance of median signs including repair and repainting; including the employment of or contracting for personnel, 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 North 27th Street Maintenance Improvement District" and made a part hereof;

2. The cost of said activities is the sum of \$3,526.50.

3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement.

4. 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.

5. 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 North 27th Street 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.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 2nd day of May, 2005, at 1:00 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Ken Svoboda

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

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

CHANGE OF ZONE 04062 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY ADDING A NEW SECTION NUMBERED 27.03.053 TO PROVIDE A DEFINITION FOR "ALTERNATIVE TO IMPRISONMENT FACILITY"; BY ADDING A NEW SECTION NUMBERED 27.03.153 TO PROVIDE A DEFINITION FOR "CHILDREN'S HOME"; BY ADDING A NEW SECTION NUMBERED 27.03.165 TO PROVIDE A DEFINITION FOR DISABILITY OR HANDICAP; AMENDING SECTION 27.03.300 TO REVISE THE DEFINITION OF "GROUP HOME"; BY AMENDING SECTION 27.03.310 TO REVISE THE DEFINITION OF "HEALTH CARE FACILITY"; BY AMENDING SECTIONS 27.09.040, 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, AND 27.24.040 TO ALLOW ALTERNATIVE TO IMPRISONMENT

FACILITIES AND CHILDREN'S HOMES AS PERMITTED SPECIAL USES IN THE AGR AND R-1 THROUGH R-8 RESIDENTIAL DISTRICTS; BY ADDING A NEW SECTION NUMBERED 27.63.750 TO ADD ALTERNATIVE TO IMPRISONMENT FACILITY AS A PERMITTED SPECIAL USE; AND BY ADDING A NEW SECTION NUMBERED 27.63.760 TO ADD CHILDREN'S HOMES AS A PERMITTED SPECIAL USE (IN CONNECTION W/05-48) - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 27 of the Lincoln Municipal Code relating to Zoning by adding a new section numbered 27.03.053 to provide a definition for "alternative to imprisonment facility"; by adding a new section numbered 27.03.153 to provide a definition for "children's home"; by adding a new section numbered 27.03.165 to provide a definition for disability or handicap; amending Section 27.03.300 to revise the definition of "group home"; by amending Section 27.03.310 to revise the definition of "health care facility"; by amending Sections 27.09.040, 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, and 27.24.040 to allow alternative to imprisonment facility as a permitted special use; by adding a new section numbered 27.63.760 to add children's homes as a permitted special use; and repealing Sections 27.03.300, 27.03.310, 27.09.040, 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, and 27.24.040 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC. 05008 - AMENDING TITLE 1 OF THE LINCOLN MUNICIPAL CODE TO CREATE A NEW CHAPTER 1.28, REASONABLE ACCOMMODATION, RELATING TO PERSONS WITH DISABILITIES OR HANDICAPS SEEKING EQUAL ACCESS TO HOUSING UNDER THE REHABILITATION ACT, THE AMERICANS WITH DISABILITIES ACT, THE FEDERAL FAIR HOUSING AMENDMENTS ACT AND THE NEBRASKA FAIR HOUSING ACT (IN CONNECTION W/05-47) - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 1 of the Lincoln Municipal Code to create a new Chapter 1.28, Reasonable Accommodation, the first time.

CHANGE OF ZONE 05023 - APPLICATION OF RICHARD EVANS FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF 64TH AND ORCHARD STREETS - CLERK read an ordinance, introduced by Ken Svoboda, 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.

#### ORDINANCES - 3<sup>RD</sup> READING

CHANGE OF ZONE 05021 - APPLICATION OF THE UNIVERSITY PLACE COMMUNITY ORGANIZATION FOR A CHANGE OF ZONE ON APPROXIMATELY 18 BLOCKS WITHIN THE UNIVERSITY PLACE NEIGHBORHOOD FROM R-6, R-5, AND R-4 RESIDENTIAL DISTRICTS AND B-3 COMMERCIAL DISTRICT TO R-5, R-4, AND R-2 RESIDENTIAL DISTRICTS, GENERALLY LOCATED BETWEEN CLEVELAND AND HUNTINGTON AVENUES FROM 46TH TO 47TH STREETS, BETWEEN MADISON AVENUE AND ADAMS STREET FROM 49TH TO 56TH STREETS, AND BETWEEN GARLAND STREET AND HUNTINGTON AVENUE FROM 48TH TO 56TH STREETS - PRIOR to reading:

NEWMAN Moved to amend Bill No. 05-42 in the following manner: on page 1, delete lines 6 through 14, and renumber the remaining Sections 2 through 8 as Sections 1 through 7.

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

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, 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.

MCROY Moved to pass the ordinance as amended.

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

The ordinance, being numbered #18530, is recorded in Ordinance Book #25.

CHANGE OF ZONE 05018 - APPLICATION OF RON TONNIGES FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 84TH STREET, SOUTH OF OLD CHENEY ROAD - 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 third time.

MCROY Moved to pass the ordinance as read.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **#18531**, is recorded in Ordinance Book #25.

MISC. NO. 05005 - AMENDING SECTIONS 26.11.032 AND 26.31.015 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY THAT A PRELIMINARY PLAT IS NOT REQUIRED WHEN A COMMUNITY UNIT PLAN, PLANNED UNIT DEVELOPMENT, SPECIAL PERMIT, OR USE PERMIT IS SUBMITTED THAT CONTAINS ALL THE NECESSARY INFORMATION FOR A SUBDIVISION - CLERK read an ordinance, introduced by Annette McRoy, amending Title 26 of the Lincoln Municipal Code, the Land Subdivision Ordinance, by amending Section 26.11.032 relating to filing preliminary plats and scheduling hearings before the Planning Commission to provide that a preliminary plat is not required for subdivisions coordinated with a community unit plan, planned unit development, special permit, or use permit; by amending Section 26.31.015 relating to coordinating subdivisions and community unit plans, planned unit developments, special permits, and use permits to clarify that a preliminary plat is not required whenever the tract to be subdivided is included within a community unit plan, planned unit development, special permit, or use permit, and to further clarify that the coordinated development shall comply with the requirements of Title 26, except as specifically modified; and repealing Sections 26.11.032 and 26.31.015 of the Lincoln Municipal Code as hitherto existing, the third time.

MCROY Moved to pass the ordinance as read.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **#18532**, is recorded in Ordinance Book #25.

#### MISCELLANEOUS BUSINESS

##### PENDING -

CAMP Moved to extend the Pending List to May 2, 2005.  
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 May 2, 2005.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

##### ADJOURNMENT 5:49 P.M.

CAMP Moved to adjourn the City Council meeting of April 25, 2005.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
So ordered.

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Joan E. Ross, CMC, City Clerk

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Jamie Phillips, Senior Office Assistant