

**IN LIEU OF  
DIRECTORS' MEETING  
MONDAY, SEPTEMBER 2, 2013**

**I. CITY CLERK**

**II. MAYOR**

1. NEWS RELEASE. National Golf Federation makes recommendations for City's golf program.

**III. DIRECTORS CORRESPONDENCE**

**CITIZENS INFORMATION CENTER**

1. Reply from Ann Teget, Vice President, Regional Government Relations, for Time Warner Cable responding to Mark Schroeder on his complaint of trying to receive a digital adapter. (Mr. Schroeder's correspondence included)
2. Correspondence from Jim Johnson detailing his attempts to request an adapter online from Time Warner.
  - 2a) Update from Jim Johnson on the Time Warner online order page changing, for the better.
3. Questions to Ann Teget from Edward Hoffman regarding the Time Warner digital converter availability.

**FINANCE/TREASURER**

1. Monthly City Cash Report at the close of business July 31, 2013.

**PLANNING DEPARTMENT**

1. Administrative approvals by the Planning Director from August 20, 2013 through August 26, 2013.

**PUBLIC WORKS AND UTILITIES/ENGINEERING**

1. ADVISORY. City of Lincoln Water Main Replacement. Project #702707. South 33<sup>rd</sup> Street; Smith Street to South Street. Maintenance of your property and the adjacent City right-of-way.

**IV. COUNCIL MEMBERS**

**V. CORRESPONDENCE FROM CITIZENS**

1. Correspondence from Mary Liska concerned about the number of beggars or panhandlers overtaking public spaces.
  - 1a) Councilman Eskridge's reply to Mary Liska on her experience going through a business drive-through.
  - 1b) Chief of Police Jim Peschong's reply to Mary Liska on her correspondence of beggars and panhandlers in public spaces.

**PARKS AND RECREATION DEPARTMENT**  
2740 "A" Street, Lincoln, NE 68502, 441-402-7847

**FOR IMMEDIATE RELEASE:** August 26, 2013

**FOR MORE INFORMATION:** Lynn Johnson, Parks and Recreation, 402-441-8265

**NATIONAL GOLF FEDERATION MAKES**  
**RECOMMENDATIONS FOR CITY'S GOLF PROGRAM**

*Financial analysis to be completed before public meeting*

The public is invited to review a report on the City's golf program, the result of a study conducted by the National Golf Foundation (NGF). The report is available at [golf.lincoln.ne.gov](http://golf.lincoln.ne.gov), and copies of the executive summary are available at City golf course clubhouses and the Parks and Recreation office at 2740 "A" Street.

Earlier this year, Parks and Recreation Department retained the NGF to complete a sustainability study of the City's golf program and to issue recommendations to improve operations. The NGF looked at operations of the City's four 18-hole golf courses (Highlands, Holmes, Mahoney and Pioneers) and the 9-hole Ager Junior Golf Course. Local golfers were encouraged to complete a survey as part of the study.

The City also is conducting a financial analysis of the municipal golf program this month. Once that is completed, a community meeting will be planned in cooperation with the Lincoln City Golf Advisory Committee and the Parks and Recreation Advisory Board to discuss the NGF report and the financial analysis.

The key recommendations made by NGF include the following:

- Operate the 18-hole golf courses under a single management structure, ideally as a management contract.
- Provide general fund assistance to the Ager Golf Course, and move operation of the facility to the Recreation Division.
- Modify the fee structure positioning Highlands Golf Course as a premier facility and Mahoney Golf Course as a value facility.
- Expand electronic and print marketing.
- Invest about \$3 million in improvements and repairs to the courses.
- Make the facilities more appealing to women golfers.
- Implement a new point of sale system for fees and clubhouse merchandise.

- more -

**August 26, 2013**

**Page Two**

Lynn Johnson, City Parks and Recreation Director, thanked the NGF for its review. “The findings and recommendations of the NGF and the upcoming community discussions are important in charting the future course for our City golf program,” he said. “Currently revenues are not adequate to cover annual operating expenses and provide for ongoing repair and replacement costs to keep the courses and facilities in good operating condition. We recognize that difficult decisions need to be made to sustain the program. We encourage the golfing community to review the recommendations of the NGF as well as the financial analysis and provide comments and recommendations.”

More information on the Parks and Recreation Department and the municipal golf program is available at [parks.lincoln.ne.gov](http://parks.lincoln.ne.gov).

## Mary M. Meyer

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**From:** Council Packet  
**Subject:** Complaint TWC - Digital Converter Availability

From: Teget, Ann [<mailto:ann.teget@twcable.com>]  
Sent: Monday, August 26, 2013 3:42 PM  
Subject: RE: Complaint TWC - Digital Converter Availability

I spoke with this customer today and he was satisfied to be sent a DA in the mail. We've got him all set up.

Ann Teget  
Vice President, Government Relations  
Missouri-Nebraska-Kansas  
Office: 402.421.0378  
Cell: 816.401.1751

-----Original Message-----

From: Diane K. Gonzolas [<mailto:dgonzolas@lincoln.ne.gov>]  
Sent: Monday, August 26, 2013 12:34 PM  
Subject: FW: Complaint TWC - Digital Converter Availability

-----Original Message-----

From: Mark Schroeder [<mailto:farmermark@windstream.net>]  
Sent: Friday, August 23, 2013 2:00 PM  
To: Diane K. Gonzolas  
Subject: Complaint TWC - Digital Converter Availability

I wasted an hour today attempting to acquire a Digital Adapter as promised in TWC August 23 letter to customers. Letter attached.

Upon trying to order online under my account, "Not available..."

Upon call calling 855-286-1736, "Not available". After 25 minutes of transfers finally getting to local office. "Not available until mid to late September and only available by office pickup or by \$39.95 install. Please check back then"

The letter clearly states available now and "easy for you to order online..."

The switchover to digital by charging for equipment to get channels I have always had is in effect a rate increase.

This rate increase and customer service is not acceptable. Another example of TWC monopoly in Lincoln treating customers however they wish.

TimeWarner needs to be forced to follow through on their promises (offer of Digital Adapter). Equipment requirements including installation, created by a system change by TWC should not incur additional fees or charges to existing customer, without approval by the Committee, of which I would oppose.

Mark Schroeder  
1505 Elba Ct  
Lincoln, NE 68521  
402-450-6332

## Mary M. Meyer

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**From:** Council Packet  
**Subject:** Complaint TWC - Digital Converter Availability

-----Original Message-----

From: JimJohnson [<mailto:JimJohnson@neb.rr.com>]  
Sent: Tuesday, August 27, 2013 7:31 AM  
To: Ed Hoffman; Teget, Ann; Diane K. Gonzolas; Rick D. Hoppe; Council Packet;  
Subject: RE: Complaint TWC - Digital Converter Availability

After reading this, I've tried the online order request, and I received the message "We are unable to process an online order for your account. Please contact us so we can assist you."

(The "contact us" links to <https://www.timewarnercable.com/en/residential-home/support/contact-us.html>

which, after entering my ZIP code so that TWC can serve me better, first displays a couple of nasty big red messages about CBS, Showtime/The Movie Channel, and Smithsonian, as well as our own KMTV; further down the page there is a complaint form that I could fill out if I wanted to. I've not found the TWC website to be very user friendly when I've used it in the past, am guessing that this time would be no different. (But don't send me a digital adapter, Ann; I'll probably need one but would prefer to go through the same channels as the average customer, so I know what it's like.)

I'm guessing that the error message is there just because the adapters haven't been shipped to Lincoln yet, but if that's the case it's not good practice to display an error message rather than a "Not yet available in your area; please retry on or after <whatever date>" message. Or even better would be to "warehouse" the request and send a message back to the user that it would be shipped out when available, with an estimated date. But I guess that kind of thinking didn't occur to those who wrote the web page.

And the customer's information about the installation charge is right, plus or minus four cents; I've received the customer letter in the mail, and down at the bottom, in very fine print which my 55-year-old eyes can't read very well, it says "Customers may go to any service center to pick up a Digital Adapter or choose the self-install kit ship option in which the equipment will be mailed to customer's mailing address provided. If customer prefers, a Time Warner Cable technician can deliver and install a Digital Adapter for a trip charge of \$39.99."

That's the extent of my investigation; I'll try again in mid-September to see what happens.

Jim Johnson

## Mary M. Meyer

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**From:** Council Packet  
**Subject:** Complaint TWC - Digital Converter Availability

-----Original Message-----

From: JimJohnson [<mailto:JimJohnson@neb.rr.com>]  
Sent: Wednesday, August 28, 2013 2:50 AM  
Subject: RE: Complaint TWC - Digital Converter Availability

An update:

Sometime during the day yesterday (Tuesday 8/27) the online order page changed, for the better. Thought it was acceptable to me as a consumer, but played with it for a few minutes and it's still quite not perfect. I'd maybe give it an A for the handling of the Online Order option, but a B- for the website's explanation of other options.

Here is what now happens:

If I go to the web address given in the letter, [twc.com/digitaladapter](http://twc.com/digitaladapter) , I now get the following, as soon as the system "knows" that I live in Lincoln:

In the section regarding online ordering, all is now well, at least for this customer. Where yesterday there was a button which gave me the error message that I'd mentioned on yesterday's email, I now see no button; instead there is text that tells me "Online ordering will be available soon. Please check back, and you'll be able to order online and have the Digital Adapter mailed to you at no charge." So far so good; if it would just stop there all would be well, and I'd give it an A. But it tries to be helpful and suggest other options; a good thing to do, but I'm skeptical based on the information that Mr. Schroeder gave us in his complaint.

If first gives me the same phone number he mentioned, 1-855-286-1736; Mr. Schroeder says that the number had told him it wasn't available, and he went through being on hold for 25 minutes before finally getting a local number and finding out that the service was not available. Hopefully with the revision to the Online Order section the customer would now understand that if the 855 number wasn't available, probably might as well wait for a few weeks and try again.

But who knows; I'd just as soon not have people doing the 25 minute wait time if they think phoning might bring better results.

And below the phone number option it also gives the option to "Visit Time Warner Cable Stores"; there is a link to nine store addresses.

(The only one listed with a local phone number is, oddly, the one at Crete True Value Hardware; any guesses as to whether the good folks at Crete True Value have any idea of when the TWC Digital Adapters will be available?) It would be interesting to actually go visit one of the offices and ask about Digital Adapters, and see if the offices are actually equipped to handle my order, but based on Mr. Schroeder's letter and the message which is now online, I'm guessing that it would just be a wasted trip.

Conclusion (as a customer): A for the way that the Online section is now being handled, B- for the rest of it; maybe a final score of B.

Jim Johnson

## Mary M. Meyer

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**From:** Council Packet  
**Subject:** Complaint TWC - Digital Converter Availability

-----Original Message-----

From: Ed Hoffman [<mailto:Ed@CADALAW.com>]  
Sent: Monday, August 26, 2013 4:04 PM  
To: Teget, Ann; Diane K. Gonzolas; Rick D. Hoppe; Council Packet;  
Subject: RE: Complaint TWC - Digital Converter Availability

Ann:  
Can you please comment on his statements that:

1. There is not a quick and efficient method in place at the present time for customers to get their converter box? If it is in place, please tell us what the procedure is for TW customers to obtain the converter box a. online, b. by phone order, c. by local pick up? Is the local TW office phone number being posted online (and if so where) for customers to use if they desire to p/u the box themselves locally?
2. Is the \$39.95 rate for installation correct? I believe this was something you were going to obtain for us after the meeting.
3. Were you able to confirm whether this customers statements were accurate as to the difficulties he experienced?

Thank you.

Sincerely,

Edward F. Hoffman  
Cada, Cada, Hoffman & Jewson  
1024 K Street  
Lincoln, NE 68508  
(402) 477-2233  
(402) 477-2286 Facsimile

OFFICE OF TREASURER, CITY OF LINCOLN, NEBRASKA

August 26, 2013

TO: MAYOR CHRIS BEUTLER & CITY COUNCIL MEMBERS

FROM: FINANCE DEPARTMENT / CITY TREASURER

SUBJECT: MONTHLY CITY CASH REPORT

The records of this office show me to be charged with City cash as follows at the close of business July 31, 2013

Balance Forward	\$	267,266,567.65
Plus Total Debits July 1-31, 2013	\$	55,167,035.83
Less Total Credits July 1-31, 2013	\$	(42,128,041.00)
<b>Cash Balance on July 31, 2013</b>	<b>\$</b>	<b><u>280,305,562.48</u></b>

I desire to report that such City cash was held by me as follows which I will deem satisfactory unless advised and further directed in the matter by you.

U. S. Bank Nebraska, N.A.	\$	4,891,718.01
Wells Fargo Bank	\$	(115,946.85)
Wells Fargo Bank Credit Card Account	\$	(96,830.80)
Cornhusker Bank	\$	65,150.53
First Nebraska Bank	\$	5,857.09
Pinnacle Bank	\$	33,216.77
Union Bank & Trust Company	\$	91,602.60
West Gate Bank	\$	13,645.82
Idle Funds - Short-Term Pool	\$	35,272,646.10
Idle Funds - Medium-Term Pool	\$	240,115,434.35
Cash, Checks and Warrants	\$	29,068.86
<b>Total Cash on Hand July 31, 2013</b>	<b>\$</b>	<b><u>280,305,562.48</u></b>

The negative bank balances shown above do not represent the City as overdrawn in these bank accounts. In order to maximize interest earned on all City funds, deposits have been invested prior to the Departments' notification to the City Treasurer's office of these deposits; therefore, these deposits are not recorded in the City Treasurer's bank account balances at month end.

I also hold as City Treasurer, securities in the amount of \$78,702,776.80 representing authorized investments of the City's funds.

ATTEST:

*Teresa J. Meier*  
Teresa J. Meier, City Clerk



*Melinda J. Jones*  
Melinda J. Jones, City Treasurer

**CITY OF LINCOLN - PLEDGED COLLATERAL STATEMENT  
AS OF JULY 31, 2013**

DESCRIPTION	CUSIP	MATURITY DATE	ORIGINAL FACE	CURRENT PAR	MARKET PRICE	MARKET VALUE
FHLB 1.6	313378X63	04/25/2018	\$500,000.00	\$500,000.00		
FHLB STEP-UP	313379VC0	06/27/2019	\$1,000,000.00	\$1,000,000.00		
FHLB 5.0	313372HX5	02/18/2021	\$500,000.00	\$500,000.00		
FHLB 3.69	3133753M7	08/02/2021	\$500,000.00	\$500,000.00		
<b>CORNHUSKER BANK</b>		<b>TOTAL PLEDGED</b>	<b>\$2,500,000.00</b>	<b>\$2,500,000.00</b>		
FNMAU	3136FTS83	02/28/2017	\$500,000.00	\$500,000.00		
<b>UNION BANK AND TRUST</b>		<b>TOTAL PLEDGED</b>	<b>\$500,000.00</b>	<b>\$500,000.00</b>		
FHLMC GOLD POOL L00015	3128DFAQ1	09/01/2035	\$5,539,520.00	\$1,919,531.92	1.05	\$2,014,783.51
FHLMC GOLD POL L00022	3128DFAX6	11/01/2035	\$13,815,000.00	\$4,474,753.93	1.07	\$4,804,536.58
FHLMC GOLD POOL E99143	3128H7EQ1	09/01/2018	\$80,000,000.00	\$6,901,539.20	1.06	\$7,285,763.76
<b>USBANK</b>		<b>TOTAL PLEDGED</b>	<b>\$99,354,520.00</b>	<b>\$13,295,825.05</b>		<b>\$14,105,083.85</b>



# Memorandum

**Date:** ♦ August 27, 2013  
**To:** ♦ City Clerk  
**From:** ♦ Teresa McKinstry, Planning Dept.  
**Re:** ♦ Administrative Approvals  
**cc:** ♦ Jean Preister

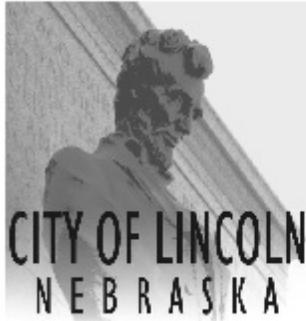
This is a list of the administrative approvals by the Planning Director from August 20, 2013 through August 26, 2013:

**Administrative Amendment No. 13059** to Special Permit No. 621, Normandy Square Community Unit Plan, approved by the Planning Director on August 20, 2013, requested by Steve Martindale, to allow for the reduction of a rear yard setback from 21.4 feet to 12 feet for the reconstruction of a deck, on property generally located at S. 20<sup>th</sup> St. and Old Cheney Rd. (1911 King Arthur Court).

**Administrative Amendment No. 13060**, approved by the Planning Director on August 21, 2013, requested by Real Growth, LLC., to rescind Special Permit No. 1697, Ashbrook Community Unit Plan, on property generally located at N. 1<sup>st</sup> St. and W. Belmont Ave.

**Administrative Amendment No. 13051** to Use Permit No.130A, Pioneer Woods Commercial Center, approved by the Planning Director on August 26, 2013, requested by Olsson Associates, to increase the floor area by 4,500 square feet for a total of 34,500 square feet for Lot 10, and from 172,000 square feet to 176,500 square feet for the center overall, on property generally located on the northeast corner of S. 70<sup>th</sup> St. and Pioneers Blvd.

City/County Planning Department  
555 S. 10<sup>th</sup> Street, Ste. 213 • Lincoln NE 68508  
(402) 441-7491



# PUBLIC WORKS & UTILITIES ADVISORY

MAYOR CHRIS BEUTLER

[lincoln.ne.gov](http://lincoln.ne.gov)

August 28, 2013

## **City of Lincoln Water Main Replacement Project #702707 S. 33<sup>rd</sup> St; Smith St. to South St.**

### **Maintenance of Your Property and the Adjacent City Right-of-Way**

The contractor has completed this project adjacent to your property and restored the vegetation in the disturbed areas during construction. The sodding was completed according to the specifications and was maintained by the contractor for the past two weeks.

**This notice will serve as your notification that you will now be responsible to water and maintain the sodded areas of the public right-of-way as per Lincoln Municipal Code 12.20.035.** The sod was inspected on August 27, 2013, and is considered to be alive and growing. The high temperatures and wind have caused some browning after the initial placement, but the grass is re-growing in these areas. We will return on September 10, 2013, and perform a final walk-thru of the project to determine what sod has not survived. Should you see any areas outlined with pink paint, those have been marked for sod replacement and we have given the locations to the contractor.

Please contact my office with any questions or concerns.

Tim Byrne  
Project Manager  
402-441-7711  
[tbyrne@lincoln.ne.gov](mailto:tbyrne@lincoln.ne.gov)

## Mary M. Meyer

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**From:** Mary Liska [liskamary@gmail.com]  
**Sent:** Tuesday, August 27, 2013 1:00 PM  
**To:** Council Packet  
**Subject:** panhandlers/beggars in parking lots

Dear City Council Members;

I am concerned about the numbers of beggars or panhandlers that are overtaking our public spaces. I went to the Taco Bell near 27th and Cornhusker this weekend and there were one to two beggars at every entrance and exit. Not only that, they were approaching cars that were at businesses. I was in line at Taco Bell with a car in front of me and a car in back of me - basically trapped alone in my car. One of these men came up to my window and knocked begging for money, I felt coerced under the circumstances (trapped) to give him. After I gave him the change from my car, he then wanted me to buy him food and have him meet me in the exit lane. This is not acceptable. I feel like I was robbed. Like I HAD to give him money because I could not go backwards or forwards in my vehicle. I wanted to tell him to go to the city mission but I was afraid to do more than give him money. I will not go to Taco Bell or any other place like this if I am in danger of being blocked in and accosted. This is a problem at all of the entrances and exits of the businesses from along 27th street at Cornhusker to well past Superior street where Walmart, HyVee, and Toys R Us are located. Please fix this dangerous situation!

Recently a man was killed at the bottom of my street - half a block from my home on 14th and Benton. This used to be a good safe neighborhood to raise children in. Now we have vagrants just blocks away accosting old ladies in cars. Can't something be done to remove these people from these properties?

Thank you.

Mary Liska

## Mary M. Meyer

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**From:** Carl B. Eskridge  
**Sent:** Tuesday, August 27, 2013 4:35 PM  
**To:** liskamary@gmail.com  
**Cc:** Mary M. Meyer; Doug Emery; James W Peschong; Rodney M. Confer  
**Subject:** FW: panhandlers/beggars in parking lots

Dear Ms. Liska,

Thank you for your email reporting the problems that you experience on N. 27th Street last weekend. I can fully imagine the fear that you felt when confronted while in the Taco Bell Drive-Through. We will work with Lincoln Police, the City Attorney, property owners, and businesses in addressing this problem. As our city grows, we want to make sure that Lincoln continues to be the safe and secure community that we all love.

Carl Eskridge  
Lincoln City Council  
District 4, NW Lincoln

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**From:** Mary Liska [<mailto:liskamary@gmail.com>]  
**Sent:** Tuesday, August 27, 2013 1:00 PM  
**To:** Council Packet  
**Subject:** panhandlers/beggars in parking lots

Dear City Council Members;

I am concerned about the numbers of beggars or panhandlers that are overtaking our public spaces. I went to the Taco Bell near 27th and Cornhusker this weekend and there were one to two beggars at every entrance and exit. Not only that, they were approaching cars that were at businesses. I was in line at Taco Bell with a car in front of me and a car in back of me - basically trapped alone in my car. One of these men came up to my window and knocked begging for money, I felt coerced under the circumstances (trapped) to give him. After I gave him the change from my car, he then wanted me to buy him food and have him meet me in the exit lane. This is not acceptable. I feel like I was robbed. Like I HAD to give him money because I could not go backwards or forwards in my vehicle. I wanted to tell him to go to the city mission but I was afraid to do more than give him money. I will not go to Taco Bell or any other place like this if I am in danger of being blocked in and accosted. This is a problem at all of the entrances and exits of the businesses from along 27th street at Cornhusker to well past Superior street where Walmart, HyVee, and Toys R Us are located. Please fix this dangerous situation!

Recently a man was killed at the bottom of my street - half a block from my home on 14th and Benton. This used to be a good safe neighborhood to raise children in. Now we have vagrants just blocks away accosting old ladies in cars. Can't something be done to remove these people from these properties?

Thank you.  
Mary Liska

## Mary M. Meyer

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**From:** Jim Peschong [lpd332@CJIS.LINCOLN.NE.GOV]  
**Sent:** Tuesday, August 27, 2013 5:03 PM  
**To:** Mary M. Meyer  
**Subject:** RE: Beggars and Panhandlers in Public Spaces

Mary,

I to received the email and below is the response that I sent to Ms. Liska.

Jim Peschong  
Chief of Police

-----Original Message-----

From: Jim Peschong [mailto:lpd332@cjis.lincoln.ne.gov]  
Sent: Tuesday, August 27, 2013 5:01 PM  
To: 'liskamary@gmail.com'  
Cc: Brian Jackson (LPD742@cjis.lincoln.ne.gov); Anthony Butler (LPD744@cjis.lincoln.ne.gov); 'Leirion Gaylor Baird'; 'Carl B. Eskridge'; 'Lin Quenzer'; 'Jim Peschong'  
Subject: RE: Beggars and Panhandlers in Public Spaces

Ms. Liska,

I too am very concerned about the number of beggars/panhandlers that we are experiencing in the City. The police department actively tries to address this issue when there is a violation of the law or when a private property owner is trying to deal with this issue.

One of the issues that I believe has contributed to an increase in the presence of panhandling is its success. Generally speaking it is not against the law to panhandle, but within a few exceptions. If a person panhandles, asks for money, and there is a relatively good success rate of receiving it, the word quickly gets around within the transient population and more individuals come into the area to profit from it. The best thing that any citizen can do to reduce this growing problem is to give their donation to organizations who help deal with the underlying problems of poverty, addiction, homelessness and mental illness issues, rather than giving money directly to panhandlers. Giving cash directly to a transient/panhandler only encourages the behavior and in many cases the donation actually goes immediately to the nearest liquor store.

However, the options that the police department has available to them when this type of activity takes place on private property is very limited, especially if the property owner is ok with this behavior. I do not know if Taco Bell is ok with allowing this type of activity on their premises or not. However, I will ask Captain Butler, who heads up the NW Team, to have an officer check in with the business to see what their practice is. If they do not wish to allow this activity on their property, we will certainly provide them with the necessary guidance on this matter. We will suggest that the manager contact the individuals who are panhandling and ask them to leave their property. If the individual will not leave, the manager should call the police and we will send an officer out to cite or arrest the person for Trespassing.

However, there are businesses around town that chose to allow this type of activity on their property. Several of the businesses are located in the 27th & Superior area. Again, individuals who chose to do this become aware of these areas and at time test other areas. If they are allowed to do it, it only encourages more of this behavior which many times disturbs and frustrates other citizens. Sometimes the only alternative for citizens who feel

uncomfortable with this types of activity around them is to avoid these places. But we are always willing to work with any business that is trying to discourage this behavior and make citizens feel comfortable and safe.

FYI, below is our Panhandling City ordinance. Again, though this deals with public property and not private property.

#### 9.20.080 Panhandling.

(a) As used in this section, panhandling shall mean any solicitation made in person upon any street, public place or park in the city, in which a person requests an immediate donation of money or other gratuity from another person, and includes but is not limited to seeking donations:

- (1) By vocal appeal; and,
- (2) Where the person being solicited receives an item of little or no monetary value he transaction is in substance a donation.
- (3) However, panhandling shall not include the act of passively

standing or sitting.

(b) It shall be unlawful for any person to knowingly or intentionally engage in an act of panhandling on any day after sunset, or before sunrise.

(c) It shall be unlawful for any person to knowingly or intentionally engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations; at a bus stop; in any public transportation vehicle or public transportation facility; in a vehicle which is parked or stopped on a public street or alley; in a sidewalk café; or within twenty (20) feet in any direction from an automatic teller machine or entrance to a bank.

(d) It shall be unlawful for any person to knowingly or intentionally engage in an act of panhandling by aggressive solicitation. Aggressive solicitation shall mean:

- (1) Touching the solicited person without the solicited person's consent.
- (2) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;
- (3) Blocking the path of a person being solicited, or the entrance to any building or vehicle;
- (4) Following a person who walks away from the panhandler after being solicited if that conduct is intended to or is likely to cause a reasonable person to be fearful of

imminent bodily

harm or to feel intimidated to make a donation;

(5) Using profane or abusive language, either during the solicitation or following a refusal to make a donation;

(6) Intentionally, knowingly, or recklessly making any statement, gesture, or other communication which would cause a reasonable person to be fearful of imminent bodily

harm or

to feel intimidated to make a donation.

(e) It shall be unlawful for any person to knowingly or intentionally panhandle in a group of two (2) or more persons. (Ord. 18371 §1; May 24,

2004: prior Ord. 15621 §8; July 9, 1990: P.C.

§9.52.230: Ord. 13762 §26; February 13, 1984: Ord. 3489 §21-223; July 6, 1936).

I hope this helps, some.

Jim Peschong  
Chief of Police

Subject: Beggars and Panhandlers in Public Spaces

To: LPD@lincoln.ne.gov  
From: Mary Liska <liskamary@gmail.com>  
Date: Tue, 27 Aug 2013 13:12:11 -0500

I am concerned about the numbers of beggars or panhandlers that are overtaking our public spaces. I went to the Taco Bell near 27th and Cornhusker this weekend and there were one to two beggars at every entrance and exit. Not only that, they were approaching cars that were at businesses.

I was in line at Taco Bell with a car in front of me and a car in back of me - basically trapped alone in my car. One of these men came up to my window and knocked begging for money, I felt coerced under the circumstances (trapped) to give him money. After I gave him the change from my car, he then wanted me to buy him food and have him meet me in the exit lane. This is not acceptable. I feel like I was robbed. Like I HAD to give him money because I could not go backwards or forwards in my vehicle. I wanted to tell him to go to the city mission but I was afraid to do more than give him money. I will not go to Taco Bell or any other place like this if I am in danger of being blocked in and accosted. This is a problem at all of the entrances and exits of the businesses from along 27th street at Cornhusker to well past Superior street where Walmart, HyVee, and Toys R Us are located. Please fix this dangerous situation!

I did report this incident to Taco Bell. The girl was immature and said they'd been hanging out under their tree all day. No offer was given to do anything about this situation.

Recently a man was killed at the bottom of my street - half a block from my home on 14th and Benton. Not far from where these vagrants hang out. It doesn't take much stretch of the imagination to wonder if any of them had a part in this crime. This used to be a good safe neighborhood to raise children in. Now we have vagrants just blocks away accosting old ladies in cars. Can't something be done to remove these people from these properties?  
Thank you.