

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, AUGUST 25, 2014 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Vice Chair Fellers; Council Members: Camp, Christensen, Cook, Eskridge, Gaylor Baird; City Clerk, Teresa J. Meier; Council Member Absent: Emery.

Council Vice Chair Fellers announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of August 18, 2014, reported having done so, found same correct.

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

**PUBLIC HEARING**

APPLICATION OF IDC BAR AND GRILL, INC. DBA IDC BAR AND GRILL FOR A CLASS C LIQUOR LICENSE AT 3223 CORNHUSKER HWY., SUITE 1. (8/18/14 - PUBLIC HEARING & ACTION CONT'D 1 WEEK UNTIL 8/25/14);

MANAGER APPLICATION OF PETER J. SHOUP FOR IDC BAR AND GRILL, INC. DBA IDC BAR AND GRILL AT 3223 CORNHUSKER HWY., SUITE 1. (8/18/14 - PUBLIC HEARING & ACTION CONT'D 1 WEEK UNTIL 8/25/14) - Glen D. Witte, 6120 Havelock Ave., attorney for the applicant, came forward to take the oath and answer questions. It was questioned if issues involving the transfer of ownership had been resolved. Mr. Witte responded that they were working with Daryl Stock on their final amerisation plan and that is the only issue that is left which should be resolved soon.

Peter J. Shoup, Manager for IDC Bar and Grill, came forward to take the oath and answer questions. Mr. Shoup gave a brief description of his business. It was noted that when Mr. Shope took possession of the bar, he did not have his license nor his managers training. Mr. Shoup stated they now have their training and temporary operating permit as well as their seller's training for employees. When questioned about the delay, he stated he was asked to assume the business about 6 ½ weeks early and was told he would be placed on the liquor license which did not happen, so they then had to pursue a liquor license and operating permit on their own.

This matter was taken under advisement.

APPLICATION OF SMG FOOD & BEVERAGE LLC DBA PINNACLE BANK ARENA FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 176 FEET BY 83 X 56 FEET (STADIUM TERRACE) AT PINNACLE BANK ARENA, 400 PINNACLE ARENA DRIVE ON AUGUST 29, SEPTEMBER 5, 19, 20, 26, OCTOBER 24, AND 31, 2014 FROM 1:00 P.M. TO 12:00 A.M. (8/18/14 - PUBLIC HEARING & ACTION CONT'D 1 WEEK UNTIL 8/25/14) - Tom Lorenz, General Manager of Pinnacle Bank Arena, came forward to answer questions. He gave information about the Friday night event dates. Mr. Lorenz said the the festival parking lot will be used for just parking this year opposed to last year for these events and no commercial business. The one Saturday night event is for the Miami Alumni Group and they (the Arena) will be offering food and alcohol service both inside and outside. Other dates would be for the Public to come in and watch the game on the Arena's big screen at no cost. Discussion followed.

Matt Taylor, Tavern on the Square, 816 P St.

Brian Kitten, Brewsky's, 201 N 8<sup>th</sup> St.

Kevin Duffy, Barry's, 235 N. 9<sup>th</sup> St.

Michael Barton, 6425 Francis St. representing Buffalo Wings and Rings

Jaime Esquivel of Brothers Bar, 1339 O St, Ste 1.

All came forward to express their concerns regarding the Arena's events that delutes their pool of possible patrons and the fact that they are paying 2% of their gross sales in support of this competition. Concerns were also given on the direction the Arena was going in regarding the events they offer outside concerts and sporting events. Discussion followed.

Jane Kinsey, Watchdogs of Lincoln, came forward and commented that it was too bad the Public's living was cut by the way the Arena is managed and it may be time to think of some new ways to do things. Mrs. Kinsey stated that the City Council has the power within their organization to do that.

Steve Hubka, City Finance Director, came forward to clarify the comment on the Arena borrowing money from the City. He stated it was a transfer from one City account to another for start up operations and that this was something expected before the Arena opened.

Mr. Lorenz returned for rebuttal and to answer Council questions.

This matter was taken under advisement.

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**MANAGER APPLICATION OF JUDD REEVES FOR HARRIS-FRALEY VFW POST 131 AT  
5721 JOHANNA ROAD -**

Judd Reeves, 2210 C St., representative for VFW Post 131 came forward to answer questions from Council.

This matter was taken under advisement.

**APPLICATION OF ACR CORPORATION DBA JAKE'S CIGARS FOR A SPECIAL DESIGNATED LICENSE  
TO COVER AN AREA MEASURING APPROXIMATELY 153 FEET BY 90 FEET AT 101  
NORTH 14TH STREET ON SEPTEMBER 13, 2014 FROM 4:00 P.M. TO 7:00 P.M. - Diana  
Gutsche, representative for Jake's Cigars, 101 N 14<sup>th</sup> St., Ste 1, came forward to answer questions  
from Council.**

This matter was taken under advisement.

**APPLICATION OF FAMOUS DAVE'S RIBS-U INC. DBA AS FAMOUS DAVE'S FOR A SPECIAL  
DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 259  
FEET BY 150 FEET AT THE GOVERNOR'S MANSION AT 1425 H STREET ON  
SATURDAY, SEPTEMBER 6, 2014 FROM 7 A.M. TO 2 P.M. - Robbie Yundra (?) General  
Manager for Famous Dave's, 2750 Pine Lake Rd., came forward to answer questions from  
Council. He stated the request for the SDL was for the 13<sup>th</sup> Annual Governors Mansion for the  
Nebraska Diplomats.**

This matter was taken under advisement.

**VACATION 14004 - VACATING WEST PROSPECTOR COURT AND PORTIONS OF SPEEDWAY CIRCLE,  
HILL STREET, AND SOUTH 1ST STREET, GENERALLY LOCATED NEAR SOUTH 1<sup>ST</sup>  
STREET, SOUTH OF VAN DORN STREET. - Marvin Krout, Planning Dept., came forward to  
answer Council questions. He presented a slide of a conglomeration of unneeded Right of Ways in  
terms of carrying traffic on city streets and said Staff and the Planning Commission recommended  
approval. Discussion followed.**

This matter was taken under advisement.

**CHANGE OF ZONE NO. 12018A - APPLICATION OF STALLION VENTURES, LLC TO AMEND  
THE HOLDREGE/IDYLWILD REDEVELOPMENT PLANNED UNIT DEVELOPMENT TO  
INCREASE THE ALLOWABLE DWELLING UNITS FROM 40 TO 60 AND TO DECREASE THE  
COMMERCIAL FLOOR AREA FROM 66,000 SQ. FT. TO 27,750 SQ. FT., ON PROPERTY  
GENERALLY LOCATED AT HOLDREGE STREET AND IDYLWILD DRIVE. -**

Brett West, 3042 Sheridan Blvd, came forward to answer Council questions.

This matter was taken under advisement.

**PUBLIC HEARING - RESOLUTIONS**

**APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN M  
CLASS EMPLOYEES ASSOCIATION (LMCEA) FOR A TERM EFFECTIVE AUGUST 14, 2014  
THROUGH AUGUST 31, 2016. -**

Don Taute, City Law Dept., came forward to answer Council questions.

This matter was taken under advisement.

**HEARING ON THE REQUEST TO TRANSFER THE CABLE TELEVISION FRANCHISE HELD BY  
TIME WARNER CABLE MIDWEST LLC TO COMCAST CORPORATION. -**

Steve Huggenberger, City Law Dept., came forward to answer Council questions. He stated this request was received on April 10<sup>th</sup> of this year. The request was made after the FCC was asked to approve a proposed merger between Time Warner and Comcast. After discussion with various members of the Telecom Board, they have no objection to going forward with a Substitute Resolution. Highlights, insure that the City is not waiving or releasing any rights, that Comcast is willing to provide a performance guarantee to insure they will be responsible for all non-compliance issues, that they will provide a guarantee that the transaction will not cause Cable System Rates to go up in Lincoln, and that the City will be reimbursed for certain out of pocket expenses related to the transfer. Mr. Huggenberger stated there is a deadline set for September 10<sup>th</sup> and failure to act would be an automatic approval. Discussion followed.

Jane Kinsey, Watchdogs of Lincoln came forward with the comment she believed this was a done deal and provided her recent experience in dealing with Time Warner. She stated she hopes things will be different in the future with Comcast.

Chris McDonald, 183 Inverness Dr. West, Inglewood CO, VP of Government Affairs for the West Division of Comcast, came forward to make a presentation. Discussion followed.

Marilyn Burgman, 4809 Bunkerhill Rd, came forward with comments regarding her Time Warner Cable service.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE 2014-2020 CAPITAL IMPROVEMENT PROGRAM (CIP) TO MOVE PROJECTS FORWARD TO THE 2014-2015 FISCAL YEAR THAT WILL BE INCLUDED FOR A GENERAL OBLIGATION BOND VOTE ON THE NOVEMBER 2014 GENERAL ELECTION BALLOT INCLUDING PROJECT 0240 CO-LOCATION OF FIRE STATION 12 WITH LPD PRECINCT, PROJECT 0348 CO-LOCATED LPF TEAM ASSEMBLY STATION AND LFR STATION 12, AND TO CHANGE THE AMOUNT FOR PROJECT 0765 RADIO SYSTEM UPGRADE FROM \$24 MILLION TO \$20.5 MILLION. -

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED GENERAL OBLIGATION BOND ISSUE IN AN AMOUNT NOT TO EXCEED \$29,500,000.00 TO CONSTRUCT, ACQUIRE, IMPROVE, FURNISH AND EQUIP THE CITY'S PUBLIC SAFETY COMMUNICATIONS SYSTEM AND PUBLIC SAFETY BUILDINGS, INFRASTRUCTURE, AND EQUIPMENT AT THE NOVEMBER 4, 2014 GENERAL ELECTION.

Tom Casady, Director of Public Safety came forward to address the proposed Bond Issue. He stated it would provide funds to modernize the Public Safety Radio system used by our Public Safety agencies such as the Police Dept., Fire Dept., and others. Also, it would build 4 new fire stations so that Lincoln Fire & Rescue could spread their existing resources to cover a larger portion of the City. He presented a graphic of the 4 minute coverage area as it exist today. Currently there are 9,783 addresses that are beyond 4 minutes from a Fire Station yet inside the City limits of Lincoln. He stated if the 4 Stations were built, and resources spread out, that number would be reduced by 66%. Discussion followed.

Dr. Jason Kruger, the current Medical Director for Lincoln Fire & Rescue, and Vice Chief of Staff for St. Elizabeth Hospital, came forward in support. Dr. Kruger presented the consequences of a 4 minute response delay, and the rapid response and rapid identification from Lincoln Fire & Rescue. Discussion followed.

John Huff, Lincoln Fire Chief came forward in support. Council. He stated that the graphic presented by Tom Casady where calls that actually happened. The graphic really shows what could be improved by placing Stations in the locations proposed. Discussion followed.

It was requested from Council to have Cpt. Marty Ferringer - Commander of the LPD SE Team, comment on the combined Fire/Police Station from a Police perspective. Discussion followed.

Steve Hubka, City Finance Director, came forward with Mike Rogers from Gilmore and Bell, and Scott Keene from Ameritas Investment Corp. Mr. Hubka ask Mr. Keene to explain the advantages of funding as it relates to the Bond market and other options for funding. Mr. Hubka commented that the consensus is that by the latter part of 2015 rates in all likely hood will be going up so the sooner we get into the market the better. Mr. Rogers came forward to speak on the ballot issue. Discussion followed.

Anne Post, came forward on behalf the Lincoln Independent Business Association (LIBA), supporting the Project part of the Bond Issue in regards to the upgrading of the 911 radio system and the relocation of 2 Fire Stations. However she wanted to express LIBA's concerns that the process was moving too quickly for community discussion. Communication and funding issues needed to be explained before going before the voters. Discussion followed.

Rick Hoppe, Mayor's Office, came forward to answer questions from Council regarding City Sales Tax. Discussion followed.

Tom Casady, Director of Public Safety was asked to come forward again to answer questions from Council. Discussion followed.

Jane Kinsey, Watchdogs of Lincoln, came forward to comment that voters need to be informed rather than have issues rammed through to a vote.

Pat Shears, no address given, came forward to offer comment.

Shar'on Glenn, 1805 Sumner, came forward to offer comment.

This matter was taken under advisement.

#### PUBLIC HEARING - ORDINANCES - 3RD READING

CREATING PAVING DISTRICT 2634 IN N.W. 10TH STREET FROM W. DAWES STREET TO S. BELMONT STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES. (7/28/14 - PUBLIC HEARING & ACTION CONTINUED TO 8/25/14) - Roger Figard, of City Public Works, came forward to answer questions from Council. Mr. Figard recommended a vote to not create the District and believes that is the wishes of the property owners who were present. Discussion followed.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JULY 28, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN ELECTRIC SYSTEM FINANCIAL & OPERATING STATEMENT FOR JULY, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

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REPORT FROM CITY TREASURER OF TELECOMMUNICATION TAX FOR THE MONTHS OF MARCH, APRIL, MAY, JUNE AND JULY 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

**PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 8, 2014 AT 3:00 P.M. ON THE MANAGER APPLICATION OF KATRINA PAGE FOR 1515-23 MARKET STREET INC. DBA QUALITY INN AT 3200 NW 12<sup>TH</sup> ST. - CLERK read the following resolution, introduced Carl Eskridge, who moved its adoption:

A-88490 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 8, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Katrina Page for 1515-23 Market Street Inc. dba Quality Inn at 3200 NW 12<sup>th</sup> ST.

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

Introduced by Carl Eskridge

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 8, 2014 AT 3:00 P.M. ON THE APPLICATION OF HACIENDA REAL LLC DBA HACIENDA REAL FOR A CLASS CK LIQUOR LICENSE AT 3130 PINE LAKE RD. - CLERK read the following resolution, introduced Carl Eskridge, who moved its adoption:

A-88491 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 8, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Hacienda Real LLC dba Hacienda Real for a Class CK Liquor License at 3130 Pine Lake Rd.

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

Introduced by Carl Eskridge

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 8, 2014 AT 3:00 P.M. ON THE APPLICATION OF BLUE BLOOD BREWING COMPANY INC. DBA BLUE BLOOD BREWING COMPANY FOR A CLASS C LIQUOR LICENSE LOCATED AT 500 W. SOUTH ST., SUITE 8 - CLERK read the following resolution, introduced Carl Eskridge, who moved its adoption:

A-88492 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 8, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Blue Blood Brewing Company Inc. dba Blue Blood Brewing Company for a Class C Liquor License located at 500 W. South St., Suite 8.

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

Introduced by Carl Eskridge

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 8, 2014 AT 3:00 P.M. ON THE APPLICATION OF BLUE BLOOD BREWING COMPANY INC. DBA BLUE BLOOD BREWING COMPANY FOR A DELETION FROM A ONE-STORY BUILDING APPROX. 70' X 90' INCLUDING USE OF LOADING DOCK APPROX. 180 FEET AWAY AT END OF STRIP MALL TO A ONE-STORY BUILDING APPROX. 70' X 90' INCLUDING USE OF LOADING DOCK APPROX. 180 FEET AWAY AT END OF STRIP MALL EXCLUDING A 17' X 25' FENCED IN AREA IN SE CORNER OF BUILDING LOCATED AT 500 W. SOUTH ST. - CLERK read the following resolution, introduced Carl Eskridge, who moved its adoption:

A-88493 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 8, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Blue Blood Brewing Company Inc. dba Blue Blood Brewing Company for a deletion from a one-story building approx. 70' x 90' including use of loading dock approx. 180 feet away at end of strip mall to a one-story building approx. 70' x 90' including use of loading dock approx. 180 feet away at end of strip mall excluding a 17' x 25' fenced in area in SE corner of building located at 500 W. South St.

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

Introduced by Carl Eskridge

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 8, 2014 AT 3:00 P.M. ON THE APPLICATION OF SMALL TOWN BAR INC. DBA ROADHOUSE BAR AND GRILL FOR AN EXPANSION FROM A ONE-STORY BUILDING APPROX. 73' X 79' TO A ONE-STORY BUILDING INCLUDING SUITE 200 APPROX. 66' X 73' AND SUITE 300 APPROX. 73' X 79' LOCATED AT 1501 CENTER PARK ROAD, SUITE 300 - CLERK read the following resolution, introduced Carl Eskridge, who moved its adoption:

A-88494 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 8, 2014, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Small Town Bar Inc. Dba Roadhouse Bar & Grill for an expansion from a one-story building approx. 73' x 79' to a one-story building including suite 200 approx. 66' x 73' and suite 300 approx. 73' x 79' located at 1501 Center Park Road, Suite 300.

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

Introduced by Carl Eskridge

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

**PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:**

Administrative Amendment No. 13058 to Use Permit No. 52B, to the Wyuka Office Park, requested by Matt Langston, approved by the Planning Director on August 13, 2014, to increase the floor area from 60,000 to 69,000 square feet and create a new lot, on property generally located at N. 46<sup>th</sup> and R Streets. Administrative Amendment No. 14055 to Special Permit No. 399C, to the Villa Apartments, requested by Civil Design Group, approved by the Planning Director on August 15, 2014, to increase the density from 116 dwelling units to 119, on property generally located at N. 70<sup>th</sup> Street and Cleveland Avenue.

**LIQUOR RESOLUTIONS**

APPLICATION OF IDC BAR AND GRILL, INC. DBA IDC BAR AND GRILL FOR A CLASS C LIQUOR LICENSE AT 3223 CORNHUSKER HWY., SUITE 1.

MANAGER APPLICATION OF PETER J. SHOUP FOR IDC BAR AND GRILL, INC. DBA IDC BAR AND GRILL AT 3223 CORNHUSKER HWY., SUITE 1 -

APPLICATION OF SMG FOOD & BEVERAGE LLC DBA PINNACLE BANK ARENA FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 176 FEET BY 83 X 56 FEET (STADIUM TERRACE) AT PINNACLE BANK ARENA, 400 PINNACLE ARENA DRIVE ON AUGUST 29, SEPTEMBER 5, 19, 20, 26, OCTOBER 24, AND 31, 2014 FROM 1:00 P.M. TO 12:00 A.M. -

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

VACATION 14004 - VACATING WEST PROSPECTOR COURT AND PORTIONS OF SPEEDWAY CIRCLE, HILL STREET, AND SOUTH 1ST STREET, GENERALLY LOCATED NEAR SOUTH 1ST STREET, SOUTH OF VAN DORN STREET - CLERK read an ordinance, introduced by Jonathan Cook, vacating West Prospector Court and portions of Speedway Circle, Hill Street, and South 1st Street, generally located near South 1st Street, south of Van Dorn Street and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE NO. 12018A - APPLICATION OF STALLION VENTURES, LLC TO AMEND THE HOLDREGE/IDYLVILD REDEVELOPMENT PLANNED UNIT DEVELOPMENT TO INCREASE THE ALLOWABLE DWELLING UNITS FROM 40 TO 60 AND TO DECREASE THE COMMERCIAL FLOOR AREA FROM 66,000 SQ. FT. TO 27,750 SQ. FT., ON PROPERTY GENERALLY LOCATED AT HOLDREGE STREET AND IDYLVILD DRIVE - CLERK read an ordinance, introduced by Jonathan Cook, amending Holdrege/Idylwild Planned Unit Development on property generally located at Holdrege Street and Idylwild Drive and legally described on Attachment "A" attached hereto to increase the allowable dwelling units from 40 to 60 and to decrease the commercial floor area from 66,000 sq. ft. to 27,750 sq. ft., the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN M CLASS EMPLOYEES ASSOCIATION (LMCEA) FOR A TERM EFFECTIVE AUGUST 14, 2014 THROUGH AUGUST 31, 2016 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88501 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln M Class Employees Association (LMCEA) to be effective August 14, 2014 through August 31, 2016, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

HEARING ON THE REQUEST TO TRANSFER THE CABLE TELEVISION FRANCHISE HELD BY TIME WARNER CABLE MIDWEST LLC TO COMCAST CORPORATION - PRIOR to reading:

COOK Moved Motion to Amend #1 to amend Bill 14R-238 to accept and substitute Resolution No. 14R-238S attached hereto.

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88501 WHEREAS, Time Warner Cable Midwest LLC ("Franchisee") is the duly authorized holder of a franchise, as amended to date (the "Franchise"), authorizing Franchisee to serve the City of Lincoln, Nebraska (the "Franchise Authority") and to operate and maintain a cable television system therein (the "System"); and

WHEREAS, Time Warner Cable Inc. ("Time Warner Cable" or "TWC") is the ultimate parent company of Franchisee; and

WHEREAS, on February 12, 2014, Time Warner Cable, Comcast Corporation ("Comcast") and Tango Acquisition Sub, Inc. ("Tango"), entered into an Agreement and Plan of Merger (the "Agreement"), pursuant to which Time Warner Cable will merge with Tango, a wholly-owned subsidiary of Comcast, with Time Warner Cable as the surviving company, and Time Warner Cable will thereby become a wholly-owned subsidiary of Comcast (the "Transaction"); and

WHEREAS, Franchisee now seeks approval of the Transaction and has filed an FCC Form 394 with the Franchise Authority with respect thereto; and

WHEREAS, the Franchise Authority has considered and approves the Transaction, subject to the conditions herein.

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

a. The City waives none of its rights with respect to TWC's compliance with the terms, conditions, requirements and obligations set forth in the Franchise and in applicable laws, regulations, codes, standards and decisions nor any right it may have related to any net neutrality, open access or information Services issues. The City's approval of the transfer application shall in no way be deemed to be a representation by City that TWC is in compliance with all of its obligations under the Franchise and applicable laws, regulations, codes, standards and decisions or that it has provided reasonable service in light of the community's needs;

b. After the proposed Transaction is consummated, the Franchisee will be responsible for all past non-compliance issues, acts and omissions, known and unknown, of TWC under the Franchise and applicable laws, codes, standards, decisions and regulations for all purposes, including but not limited to franchise fee payments, Franchise renewal and Franchise enforcement to the same extent and in the same manner as TWC and its parents, subsidiaries and affiliates were responsible before the proposed Transaction;

c. The conditioned approval of the transfer application does not amend or alter the Franchise or any requirements therein in any way, and all provisions of the Franchise or amendments subsequent to this approval of the transfer, remain in full force and effect and are enforceable in accordance with their terms and with applicable law;

d. The conditioned approval of the proposed transfer application shall not constitute a waiver or release of any of the rights of the City under the Franchise and applicable laws, codes, standards, decisions and regulations, whether arising before or after the date of consummation of the proposed Transaction;

e. Comcast, or a subsidiary acceptable to the City, must within thirty (30) days of the effective date of a transfer resolution, provide a written performance guarantee for the Franchisee, which guarantee shall be acceptable to the City, specifying that the Franchisee will at all times comply with the Franchise and applicable regulations, codes, standards and decisions;

f. Comcast, or a subsidiary acceptable to the City, must, within (30) days of the effective date of transfer resolution, provide a written performance guarantee for the Franchisee, which guarantee shall be acceptable to the City, specifying that Comcast, or the City-accepted subsidiary, will be fully liable and/or responsible for (i) any violations, losses and obligations beyond the ability of the Franchisee and/or the Transferee to address in connection with the management, operation and/or maintenance of the System

and (ii) any and all past, present and future financial obligations under the Franchise in the same capacity as the Franchisee;

g. Comcast, or a subsidiary acceptable to the City, shall affirmatively guarantee in writing, within thirty (30) days of the effective date of a transfer resolution, that it will (1) not interfere, directly or indirectly, with the Franchisee's ability to comply with its Franchise obligations, and applicable laws, codes, standards, decisions and regulations, and (2) cause the Franchisee to comply with the Franchise and applicable laws, regulations, standards, codes and decisions at all times;

h. Comcast, or a subsidiary acceptable to the City, shall provide a written guarantee acceptable to the City within thirty (30) days of the effective date of a transfer resolution specifying that the transaction shall not result in or cause directly of any increase on any of the rates of the Lincoln cable system;

i. By accepting this consent resolution, the Franchisee and Comcast commit that Franchisee will abide by all terms of the Franchise and applicable laws, regulations, codes, standards, and decisions after the Transaction and assumes all existing obligations, liabilities, and responsibility for all acts and omissions under the Franchise and applicable law, known and unknown, including but not limited to all acts and omissions of Franchisee's current parent entities, affiliates and subsidiaries;

j. Comcast and Franchisee shall, within thirty (30) days of the effective date of this resolution, file with the City an acceptance of this resolution substantially in the form attached hereto.

k. Comcast shall reimburse the Franchising Authority for all out-of-pocket expenses up to a maximum of \$2,500.00 incurred by the Franchising Authority for its review, through September 15, 2014, of the Transaction and transfer request within thirty (30) days of the demand for those expenses, which demand shall be made within 15 business days of the effective date of this Resolution.

l. Receipt of any and all state and federal approvals and authorizations; and

m. Actual closing of the proposed Transaction consistent with the transfer application.

Introduced by Jonathan Cook

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

APPROVING AN AMENDMENT TO THE 2014-2020 CAPITAL IMPROVEMENT PROGRAM (CIP) TO MOVE PROJECTS FORWARD TO THE 2014-2015 FISCAL YEAR THAT WILL BE INCLUDED FOR A GENERAL OBLIGATION BOND VOTE ON THE NOVEMBER 2014 GENERAL ELECTION BALLOT INCLUDING PROJECT 0240 CO-LOCATION OF FIRE STATION 12 WITH LPD PRECINCT, PROJECT 0348 CO-LOCATED LPF TEAM ASSEMBLY STATION AND LFR STATION 12, AND TO CHANGE THE AMOUNT FOR PROJECT 0765 RADIO SYSTEM UPGRADE FROM \$24 MILLION TO \$20.5 MILLION - PRIOR to reading:

GAYLOR BAIRD Moved Motion to Amend #1 to amend Bill No. 14R-239 in the following manner:

1. On page 1, line 12, strike the word ~~and~~ after the word "Precinct" and insert a comma.

2. On page 1, line 14, after the words "Station No. 12" add the following language: , project 0662 New Fire Station 16 and reducing the amount to \$2.5 million, and project 0172 New Fire Station 15 and reducing the amount to \$2.5 million.

3. On page 1, line 24, strike the word ~~and~~ after the word "Precinct" and insert a comma.

4. On page 2, line 1, after the words "Station 12" add the following language: , New Fire Station 16 and reducing the amount to \$2.5 million, and New Fire Station 15 and reducing the amount to \$2.5 million.

5. On page 2, line 7, strike the word ~~and~~ after the word "Precinct" and insert a comma.

6. On page 2, lines 7 and 8, strike the word ~~and~~ after the word "Station" and insert a comma.

7. On page 2, line 8, after the words "Station 12" add the following language: , project 0662 New Fire Station 16 budgeted at \$2.5 million, and project 0172 New Fire Station 15 budgeted at \$2.5 million.

8. On page 2, line 13, strike the word ~~and~~ after the words "project 0240" and insert a comma.

9. On page 2, line 14, after the number 0348 add the following language: , project 0662, and project 0172.

Seconded by Cook and carried by the following vote: AYES: Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: Camp.

CHRISTENSEN Moved to continue Public Hearing & Action to Sept. 29, 2014.

Seconded by Camp and **LOST** by the following vote: AYES: Camp, Christensen, Fellers; NAYS: Cook, Eskridge, Gaylor Baird.

**FINAL VOTE:** AYES: Cook, Eskridge, Gaylor Baird; NAYS: Camp, Christensen, Fellers.

**DUE TO LACK OF MAJORITY VOTE, THIS ITEM WAS CARRIED OVER TO SEPT. 8, 2014.**

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED GENERAL OBLIGATION BOND ISSUE IN AN AMOUNT NOT TO EXCEED \$29,500,000.00 TO CONSTRUCT, ACQUIRE, IMPROVE, FURNISH AND EQUIP THE CITY'S PUBLIC SAFETY COMMUNICATIONS SYSTEM AND PUBLIC SAFETY BUILDINGS, INFRASTRUCTURE, AND EQUIPMENT AT THE NOVEMBER 4, 2014 GENERAL ELECTION - PRIOR to reading:

GAYLOR BAIRD Moved Motion to Amend #1 to amend Bill No. 14R-240 in the following manner:

1. On pages 2 - 3, delete all of Section 2 and insert in lieu thereof the following language:  
**Section 2.** The following proposition shall be submitted to the qualified electors of the City at the city general election to be held on Tuesday, November 4, 2014.  
(FORM OF BALLOT)

**PUBLIC SAFETY BOND ISSUE**

**STATE OF NEBRASKA  
CITY OF LINCOLN  
OFFICIAL BALLOT  
CITY GENERAL ELECTION – TUESDAY, NOVEMBER 4, 2014  
GENERAL OBLIGATION BONDS**

“Shall the City of Lincoln, Nebraska, issue its general obligation bonds in the aggregate stated principal amount not to exceed \$34,500,000 for the purpose of paying costs to construct, acquire, improve, furnish and equip the City’s public safety communications system and public safety buildings and infrastructure, which may include the following:

- a. 911 public safety radio communications system equipment and infrastructure, replacements and upgrades,
- b. joint police and fire station,
- c. three fire stations, and

other facilities, additions, improvements and equipment for the use or benefit of the City’s police, fire, and other public safety departments; such bonds to be dated at the time of their issuance and to become due and payable on such dates, bear interest at such rates, be sold at such prices, and have such other terms as may be fixed by the City at the time of their issuance; and

“Shall the City cause to be levied and collected annually a tax in addition to all other taxes upon the taxable property in the City sufficient in rate and amount to pay the principal of and interest on said bonds as the same become due and payable?”

VOTE FOR or AGAINST

- FOR said general obligation bonds and tax levy.
- AGAINST said general obligation bonds and tax levy.

Voters desiring to vote in favor of the proposition shall mark in the square opposite the words “FOR said general obligation bonds and tax levy.” Voters desiring to vote against the proposition shall mark in the square opposite the words “AGAINST said general obligation bonds and tax levy.”

Seconded by Cook and carried by the following vote: AYES: Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: Camp.

CHRISTENSEN Moved to continue Public Hearing & Action to Sept. 29, 2014.

Seconded by Camp and **LOST** by the following vote: AYES: Camp, Christensen, Fellers; NAYS: Cook, Eskridge, Gaylor Baird.

**FINAL VOTE:** AYES: Cook, Eskridge, Gaylor Baird; NAYS: Camp, Christensen, Fellers.

**DUE TO LACK OF MAJORITY VOTE, THIS ITEM WAS CARRIED OVER TO SEPT. 8, 2014.**

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

CREATING PAVING DISTRICT 2634 IN N.W. 10<sup>TH</sup> STREET FROM W. DAWES STREET TO S. BELMONT STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES (7/28/14 - PUBLIC HEARING & ACTION CONTINUED TO 8/25/14) - PRIOR to reading:

COOK Moved to withdraw Bill 14-69.

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

The ordinance, having been **WITHDRAWN**, was assigned to File #**38-4645** & was placed on file in the Office of the City Clerk.

APPROVING THE CLOSE OUT OF COMPLETED CONSTRUCTION PROJECTS AND TRANSFER OF UNSPENT APPROPRIATIONS AND CASH (IF ANY) FROM VARIOUS PROJECTS TO PROJECTS WHERE ADDITIONAL FUNDING IS NEEDED WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND THE PARKS & RECREATION DEPARTMENT - PRIOR to reading:

CAMP Moved to place Bill 14-112 on pending until 09/22/14.

Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

AMENDING TITLE 1 OF THE LINCOLN MUNICIPAL CODE RELATING TO GENERAL PROVISIONS TO CREATE A NEW CHAPTER 1.30, SALE OF CITY REAL PROPERTY - PRIOR to reading:

CHRISTENSEN Moved to withdraw Bill 14-114.



Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

The ordinance, having been **WITHDRAWN**, was assigned the File #**38-4646** & was placed on file in the Office of the City Clerk.

COMP. PLAN CONFORMANCE 14014 - DECLARING APPROX. 545 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET AND CUMING STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Roy Christensen, declaring approximately 545 square feet of city owned property generally located at North 70th Street and Cuming Street as surplus, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

The ordinance, being numbered **20083**, is recorded in Ordinance Book 28, Page

COMP. PLAN CONFORMANCE 14015 - DECLARING APPROX. 2.7 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 27TH STREET AND OLD CHENEY ROAD AS SURPLUS PROPERTY - PRIOR to reading:

CHRISTENSEN Moved to delay action on Bill 14-116 for 3 weeks to 09/15/14.

Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

COMP. PLAN CONFORMANCE 14016 - DECLARING APPROX. 25.73 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF SOUTH 84TH STREET AND YANKEE HILL ROAD AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Roy Christensen, declaring approximately 25.73 acres of city owned property generally located southeast of South 84th Street and Yankee Hill Road as surplus, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

The ordinance, being numbered **20084**, is recorded in Ordinance Book 28, Page

CHANGE OF ZONE 07018A - APPLICATION OF HAMPTON ENTERPRISES TO REVISE GLYNOAKS PLAZA PLANNED UNIT DEVELOPMENT TO MODIFY THE SITE PLAN AND THE DEVELOPMENT PLAN TO ALLOW AN EARLY CHILDHOOD CARE FACILITY IN THE RESIDENTIAL PORTION OF THE DEVELOPMENT GENERALLY LOCATED AT SOUTH 84TH STREET AND GLYNOAKS DRIVE - CLERK read an ordinance, introduced by Roy Christensen, amending the Glynoaks Plaza Planned Unit Development to modify the site plan and the development plan to allow an early childhood care facility in the residential portion of the development and to modify the sign regulations for two wall signs not to exceed 20 square feet in area, on property generally located at South 84th Street and Glynoaks Drive and legally described as Outlot C, Glynoaks Plaza Addition, Lincoln, Lancaster County, Nebraska, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Camp and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

The ordinance, being numbered **20085**, is recorded in Ordinance Book 28, Page

TEXT AMENDMENT 14006 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING THE RETAIL SALES AND SERVICES USE GROUP TABLE IN SECTION 27.06.130 TO SHOW VETERINARY FACILITIES AS A PERMITTED CONDITIONAL USE IN THE O-1, O-2, O-3, AND R-T ZONING DISTRICTS; AMENDING SECTION 27.62.100 TO ALLOW KENNELS AND/OR VETERINARY FACILITIES IN THOSE ZONING DISTRICTS WHERE SUCH USE IS DESIGNATED AS A PERMITTED CONDITIONAL USE UNDER A USE GROUP TABLE IN CHAPTER 27.06; REPEALING SECTION 27.63.780, OUTDOOR EXERCISE AREA ASSOCIATED WITH A VETERINARY FACILITY OR KENNEL; AMENDING SECTION 27.63.790 TO CLARIFY THAT VETERINARY FACILITIES ARE ALLOWED AS A PERMITTED SPECIAL USE IN THE AG AND AGR DISTRICTS AND THAT VETERINARY FACILITIES AND KENNELS WHICH DO NOT COMPLY WITH THE REQUIREMENTS FOR A PERMITTED CONDITIONAL USE UNDER SECTION 27.62.100 MAY BE ALLOWED BY SPECIAL PERMIT UNDER SPECIFIED CONDITIONS - CLERK read an ordinance, introduced by Roy Christensen, amending Title 27 of the Lincoln Municipal Code by amending the Retail Sales and Services Use Group Table in Section 27.06.130 to show veterinary facilities as a permitted conditional use in the O-1, O-2, O-3, and R-T zoning districts; amending Section 27.62.100 to allow kennels and/or veterinary facilities in those zoning districts where such use is designated as a permitted conditional use under a Use Group Table in Chapter 27.06; repealing Section 27.63.780, Outdoor Exercise Area Associated with a Veterinary Facility or Kennel; amending Section 27.63.790 to clarify that veterinary facilities are allowed as a permitted special use in the AG and AGR districts and that veterinary facilities and kennels which do not comply with the requirements for a permitted conditional use under Section 27.62.100 may be allowed by special permit under specified conditions; and repealing

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Sections 27.06.130, 27.62.100, and 27.63.790 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.  
Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.  
The ordinance, being numbered **20086**, is recorded in Ordinance Book 28, Page

AMENDING SECTION 12.08.070 OF THE LINCOLN MUNICIPAL CODE TO REVISE THE HOURS OF OPERATION OF CITY PARKS AND PARK FACILITIES FOR BILL HARRIS IRON HORSE PARK AND TO ESTABLISH PARK HOURS FOR THE NEW LINCOLN COMMUNITY FOUNDATION TOWER SQUARE (Related Items: 14-120, 14R-235) - CLERK read an ordinance, introduced by Roy Christensen, amending Section 12.08.070 of the Lincoln Municipal Code to revise the hours of operation of City parks and park facilities; and repealing Section 12.08.070 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.  
Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.  
The ordinance, being numbered **20087**, is recorded in Ordinance Book 28, Page

NAMING THE PARK AT 13TH AND P STREETS AS "LINCOLN COMMUNITY FOUNDATION TOWER SQUARE." (Related Items: 14-120, 14R-235) (Action Date: 8/25/14) - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-88503 A RESOLUTION approving the naming of the park generally located at 13th and P Streets as "Lincoln Community Foundation Tower Square."

WHEREAS, the Lincoln Community Foundation has established a \$600,000.00 endowment for public art which primarily shall be used for supporting long-term care of the downtown civic plaza and related public art, which plaza is proposed to be named "Lincoln Community Foundation Tower Square."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the park generally located at 13th and P Streets be and hereby is named as "Lincoln Community Foundation Tower Square."

Introduced by Roy Christensen

Seconded by Camp and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$757,750.00 FOR THE CITY OF LINCOLN, PIEDMONT SHOPPING CENTER REDEVELOPMENT PROJECT - CLERK read an ordinance, introduced by Roy Christensen, authorizing and providing for the issuance of City of Lincoln, Nebraska tax allocation bonds, notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$757,750 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's Piedmont Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the third time.

CHRISTENSEN Moved to pass the ordinance as read.  
Seconded by Cook and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.  
The ordinance, being numbered **20088**, is recorded in Ordinance Book 28, Page

**RESOLUTIONS - FOR ACTION ONLY**

APPROVING THE ONE & SIX YEAR STREET & HIGHWAY PROGRAM, THE 2014-2016 CITY OF LINCOLN BIENNIAL OPERATING BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM FOR FY 2014-2016. (ACTION DATE: 8/25/14) - PRIOR to reading:

COOK Moved to accept a substitute resolution.  
Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-88504 WHEREAS, under the provisions of Section 25 and 25a of Article IX of the Charter of the City of Lincoln and Chapter 3.06 of the Lincoln Municipal Code, the proposed biennial budget for the City of Lincoln was submitted on July 14, 2014; and

WHEREAS, under the provisions of Section 26 of Article IX and Chapter 3.06 of the Lincoln Municipal Code of the City Charter, a public hearing on the proposed budget was held on August 11, 2014 notice thereof having been published in one issue of the Lincoln Journal Star, a newspaper of general circulation in the City, more than five days before such hearing; and

WHEREAS, all necessary changes have been made as to revenue estimates and appropriation items.

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

1. That pursuant to the provisions of Article IX of the Charter of the City of Lincoln and Chapter 3.06 of the Lincoln Municipal Code, the biennial budget for the fiscal years beginning September 1, 2014 and September 1, 2015, a copy of which is hereto attached and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and the several sums therein set forth to be raised by the levy of a tax upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, the estimated balances on hand, the miscellaneous receipts and all other funds and receipts are hereby appropriated for the several purposes therein stated. That all money received in any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.
2. That the City Council, by adoption of the Capital Improvement Program (CIP) on Schedule 5 of this resolution, hereby authorizes the acquisition of all necessary right-of-way, easements, or other interest in land, by purchase if possible, by condemnation if necessary, for those projects included within the first two years of said CIP.
3. Pursuant to Section 2 of L.B. 989 passed by the Second Session of the Ninety-Fifth Legislature, the City is authorized to increase budgeted restricted funds by the basic allowable growth percentage of the base (2.5%) and allowable growth due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year above 2.5% expressed in dollars and to utilize other lid exemptions authorized in L.B. 989. Such increase is hereby authorized to the extent necessary to generate the revenues to fund the budget, and any unused restricted funds authority is hereby authorized to be carried forward to future budget years.
4. Upon affirmative vote by more than 75% of the City Council restricted funds for Fiscal Years 2014-15 and 2015-16 shall be increased by an additional one percent (1%) as provided by Neb. Rev. Stat. Section 13-519.
5. There is hereby appropriated all money now credited or which will be credited to any Internal Service Fund, Pension Trust Fund, Permanent Fund, Agency Fund and Enterprise Fund, now or heretofore created, notwithstanding any sum limitations set forth in the budget attached hereto.
6. There is hereby appropriated all money now credited or which will be credited to the following Special Revenue Funds notwithstanding any sum limitation set forth in the budget attached hereto: Responsible Beverage Server/Seller Fund, Parks and Recreation Maintenance and Repair Fund, Fast Forward Fund, Parks and Recreation Special Projects Fund, Commission On Aging Gift Trust Fund, Charles Gere Library Fund, and Lillian Polley Trust, Building and Safety Fund, Cable Access Television Fund, Disaster Recovery Fund, Impact Fees Fund, Social Security Fund, Snow Removal Fund, Title V Clean Air Fund, Unemployment Compensation Fund, Advance Acquisition Fund as provide in Article IXB, Section 12 of the City Charter, 911 Communication Fund, Tax Sale Revolving Fund, Helen Boosalis Icons of the City Trust Fund and Development Services Center Fund.
7. There is hereby appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, earnings from endowment funds, donations, or contributions received for public purposes and the interest earned thereon, notwithstanding any sum limitations set forth in the budget attached hereto.
8. There is hereby appropriated all money received from the interest income on the investments of all authorized bond issue proceeds including bond anticipation notes for the purposes for which said bonds and notes have been authorized to be issued, notwithstanding any sum limitations set forth in the budget attached hereto.
9. There is hereby appropriated all money now credited or which will be credited to the Vehicle Tax Construction Fund created by Section 3.20.220 of the L.M.C. (Vehicle Tax for street improvements) notwithstanding any sum limitation set forth in the budget attached hereto.
10. All receipts for on street parking meter collections are pledged toward the payment of bonds assigned for payment from the Parking Revenue Fund. Parking meter receipts in excess of those required to meet provisions of the bond covenants shall be credited to the General Fund up to the amounts budgeted. Any on-street parking meter monies transferred to the General Fund during the biennium, appropriated for Contingency expenditures, and not used for Contingency purposes will be returned to the Parking Revenue Fund at the end of the biennium up to \$800,000.
11. The name for Fund 500 currently known as the Parking Lot Revolving Fund is hereby changed to Parking Lots and JPA Garages Fund.
12. There is hereby appropriated all money now credited or which will be credited to the Parking Lots and JPA Garages Fund to be used for debt service, designing, acquiring, constructing, maintaining, repairing, regulating, supervising and policing of City owned parking lots and facilities in accordance with L.M.C. Chapter 10.34 and Chapter 10.36, notwithstanding any sum limitations set

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- forth in the budget attached hereto.
13. There is hereby appropriated to the Street Construction Fund all monies received as the City's share of the Highway Allocation Fund and the Grade Crossing Protection Fund, together with any other Federal, State, and County funds, received for street construction purposes, any reimbursements and matching funds, including Federal Road Funds, all of which monies are hereby appropriated and reappropriated for all purposes as authorized by State laws pertaining to such funds, notwithstanding any sum limitations set forth in the budget attached hereto.
  14. There is hereby appropriated in the Special Assessment Revolving Fund all monies in said fund for expenditures as authorized by Article VIII of the City Charter, Section 10a and all money received to the credit of the Special Assessment Revolving Fund including bond proceeds, grants, donations, special assessment collections, and City participation deemed necessary by the City Council, notwithstanding any sum limitations set forth in the budget attached hereto.
  15. There is hereby appropriated all money credited to General Fund/Traffic Operations (79200) and Street Construction Fund/Streets/Highways (79140) that is received as reimbursement from Public Works/Utilities capital projects for staff time and materials used in connection with the said projects.
  16. There is hereby appropriated all money now credited or which will be credited to the Arbitrage Rebate Fund, notwithstanding any sum limitation set forth in the budget attached hereto.
  17. There is hereby appropriated KENO proceeds for mandated payments, and 1% for administrative fees.
  18. There is hereby appropriated KENO proceeds received in prior fiscal years in excess of revenue projections for those years.
  19. There is hereby appropriated all monies now credited or which will be credited to the Community Improvement Financing Fund and all Tax Allocation Bond Debt Service funds, notwithstanding any sum limitations set forth in the budget attached hereto.
  20. There is hereby levied upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, upon each one hundred dollars of approximate market value thereof, taxes in an amount sufficient to generate funds for the purposes and in the amounts hereinafter named, to-wit:

<b>YEAR 1</b>	<b>2014-15 Appropriated Amount-90%</b>	<b>2014-15 Total Tax As Levied-100%</b>	<b>2014-15 Per \$100 Market Value</b>
General	\$29,078,689	\$32,309,654	.18590
Library	6,844,989	7,605,543	.04376
Social Security	2,549,665	2,832,961	.01630
Police & Fire Pension	5,853,279	6,503,643	.03742
Bond Interest and Redemption	5,662,445	6,291,605	<u>.03620</u>
Total Levy			.31958

21. Per Lincoln Municipal Code 3.06.070 The Council shall meet after August 20<sup>th</sup> in the first year of the biennial period to set the property tax rate for the second year by resolution and to reappropriate unencumbered appropriations if necessary. The resolution shall set a property tax rate sufficient to ensure the biennial budget is balanced for the second year. It is hereby estimated that the amount levied upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, upon each one hundred dollars of approximate market value thereof, taxes in an amount sufficient to generate funds for the purposes and in the amounts hereinafter named, to-wit:

<b>YEAR 1</b>	<b>2015-16 Estimated Appropriated Amount-90%</b>	<b>2015-16 Estimated Total Tax As Levied-100%</b>	<b>2015-16 Estimated Per \$100 Market Value</b>
General	\$31,867,352	\$35,408,169	.19417
Library	6,991,734	7,768,593	.04260
Social Security	2,389,284	2,654,760	.01456
Police & Fire Pension	5,845,238	6,494,709	.03561
Unemploy. Comp.	50,000	55,556	.00030
Bond Interest and Redemption	5,306,857	5,896,508	<u>.03234</u>

Total Levy .31958

22. There is hereby authorized the transfer to the appropriate reserve accounts of all encumbrances, including accrued payroll, for the fiscal years ending August 31, 2014 and August 31, 2015, together with any monies previously so reserved.
23. All previous capital appropriations are hereby continued and reappropriated pursuant to Section 27 of Article IX of the Charter of the City of Lincoln, except the unexpended balance remaining in any fully completed project shall be credited to the unappropriated surplus in the fund from which such project was funded.
24. There is hereby designated and appropriated General Fund cash balances to pay operation and maintenance expenses for solid waste management in an amount sufficient to produce net revenues equal to 110% of the annual debt service due and payable in such fiscal year on the Solid Waste Management Revenue Bonds issued in 2006 if and to the extent the net revenues in such fiscal year are less than 125% of the annual debt service due and payable in such fiscal year and to the extent that such General Fund cash balances are available.
25. Per resolution A-82134 passed by the City Council on June 9, 2003 establishing an unreserved fund balance policy for the City, the General Fund unreserved fund balance as of the last audited financial statements as of August 31, 2013 was \$34,669,234. This August 31, 2013 unreserved balance is 24.4% of the General Fund budget for 2014-15 of \$142,310,668 included in this resolution. The August 31, 2013 unreserved balance was 4.4% more than the 20% goal for such balance set by Resolution A-82134.
26. The Finance Director is hereby authorized to transfer retained earnings and proceeds from the sale of surplus property in Fund 530 - Auditorium Operating Fund to General Fund (18002.9140) to fund utility and building maintenance costs incurred after closure of Pershing Center.
27. The Finance Director is hereby authorized to turn back to the Lancaster County Treasurer the balance of the Gold's Balance Block TIF District #9941 (approximately \$741,581). When the County Treasurer distributes the City's share (15.6%), \$68,967 (9.3% to the General Fund) is hereby appropriated to "N" Street Bike Lane Project (413333.6145).
28. That the appropriations and cash (where necessary) for the following items be transferred effective August 31, 2014 up to the following amounts:

	ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From:	18001.5989	Contingency	\$249,000
	18002.5621	General Expense/Misc. Contractual	\$22.17
	18002.5856	General Expense/City Share of Downtown Maint.	\$56,198
	10005.9220	Personnel/Risk Mgmt./Workers Comp SIL Fund	\$20,000
	0402b.5021	Police/Support/Salaries/Overtime	\$50,779
To:	09012.9140	Golf Admin./Cash Transfers In (Highlands Pool land)	\$234,000
	18004.5621	July 4 <sup>th</sup> Celebration/Misc. Contractual (live music, stage, lighting)	\$15,000
	18052.9140	DSC/Cash Transfer	\$22.17
	413536.6137	Urban Dev./Downtown St. Tree Replace. (13001.9234 also)	\$56,198
	10011.9140	Personnel/Risk Mgmt./City's Excess SIL Fund.	\$20,000
	06014.5021	Police/911 Comm./Salaries/Overtime	\$50,779

29. The Finance Director is hereby directed to transfer unencumbered appropriations and cash (where necessary) from the budget for the biennium beginning September 1, 2014 in 18002.5070 (General Expense/Future Labor Settlements) in amounts proportionate to each department's share of the total settlement at such time as contracts are signed with labor unions. Any surplus funds remaining after contracts are signed and amounts are distributed to department's budgets up to \$500,000 shall be transferred to the Cash Reserve Fund.
30. The Finance Director is hereby directed to reappropriate any balance remaining in telephone service line items at August 31, 2014 and to transfer unencumbered appropriations and cash (where necessary) to Finance Dept./Information Services Div. for debt service payments on the Voice Over Internet Protocol System (VOIP).
31. The Finance Director is hereby directed to limit the revenue appropriated in the General Fund to cover administrative costs from the 1% TIF Administrative Fee to \$200,000 for 2014-16. Revenue in excess of \$200,000 is hereby appropriated to General Fund/Urban Development/Admin./Misc. Contractual (13001.5621) for problem properties and any funds remaining August 31, 2016 will be

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reappropriated to the following fiscal year's budget and any subsequent fiscal year. Expenditures over \$50,000 from funds designated for problem properties must be approved by the City Council.

32. The Finance Director is hereby directed to utilize parking meter revenue appropriated for General Fund/Contingency only, if necessary, after Contingency appropriations from General Fund (\$364,641 Year 1/\$357,056 Year 2) and Cash Reserve Fund (\$200,000 Year 1) have been expended.
33. The Finance Director is hereby authorized to transfer to the Lincoln Parks & Recreation Foundation, pursuant to an agreement with said Foundation, up to the following balances plus accrued interest or other revenues as of August 31, 2014:

From:	409457.9220 Airport Entryway Project	\$100,000
	09001.9220 Parks/Admin.	\$250,000
	296004.9220 Pioneers Tree Endowment	\$90,828
	296001.9220 Hazel Abel Park Trust	\$7,259
	413538.9220 UD/Primary & Secondary Retail Corridors Project	\$550,000
To:	Lincoln Parks Foundation Airport Entryway Endowment	\$100,000
	Lincoln Parks Foundation Sherman Field Endowment	\$250,000
	Lincoln Parks Foundation Park Tree Endowment	\$90,828
	Lincoln Parks Foundation/Hazel Abel Park Endowment	\$7,259
	Lincoln Parks Foundation "P" Street Enhanced Streetscape Endowment	\$550,000

34. There is hereby designated any amounts received from any Telecommunication Occupation Tax audit adjustments or other audits made in the 2014-16 biennium. Such amounts shall be deposited in the Cash Reserve Trust Fund. There is hereby appropriated all money now credited or which will be credited to the Cash Reserve Fund.
35. Cash Reserve Fund balances of \$223,260 are hereby appropriated for contractual obligations with Ashpaugh and Sculco for auditing services (06140.5624). The Finance Director is hereby authorized to appropriate Cash Reserve Fund balances for any additional audits which are likely to result in recovering or increasing revenues or achieving savings in operating expenses.
36. Donations and TIF funds received for the Entryway Project are hereby appropriated for debt service payments on Entryway Corridor Debt (18040) \$48,755 in 2014-15 and \$304,700 in 2015-16.
37. That the following unexpended appropriations are reappropriated effective August 31, 2014 up to the following amounts:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
09001.9220	Parks & Rec./Admin./Cash Transfer Out	\$250,000
06034.5272	Risk Management Health Care	\$389
18002.5621	General Expense/Miscellaneous Contractual	100,000
18002.5624	General Expense/Auditing Service	\$53,783
18002.5628	General Expense/Consultant Services	\$8,042
18002.5878	General Expense/Problem Resolution Team	\$70,818
18002.5880	General Expense/Graffiti Abatement	\$71,207
18002.5636	General Expense/Demolition of Buildings	\$95,842
18002.5646	General Expense/State/Federal Lobbying	\$46,284
18002.5657	General Expense/Human Serv. Contracts	\$100,000
79500.6132	P.W. & U/Star Tran/Buildings	\$108,875
01001.5989	City Council/Misc. Other Serv. & Charges	\$10,627
18002.5659	General Expense/Oracle Financial System	\$285,793
18002.5865	General Expense/Minor Bldg. & Grounds Improv.	\$7,500
18002.5992	ADA Other Serv & Charges	\$5,000

18002.6024	General Expense/City Share-Impact Fees (Low Income)	\$409,385
18002.6027	General Expense/City Share-Impact Fees (Econ. Dev.)	\$605,000
06065.6085	Police/Radio Shop/Radio Equipment	\$175,231
09250.9246	Parks/KENO/Unprogrammed KENO approp.	\$52,677
08001.5633	Bldg. & Safety/Admin./Software	\$99,559
08001.5761	Building & Safety/Admin./Microfilming	\$45,000
08002.6069	Building & Safety/Business Office/Data Proc. Equip.	\$66,044
18002.5970	General Expense/Court & Litigation	\$125,000
18002.5642	General Expense/Legal Services	\$99,021
18002.5998	General Expense/Witness Fees	\$55,000
17004.5638	Com. Health Endowment/Grants	\$2,053,802
0401b.5628	Police/Mgmt./Consultant Serv.	\$106,674
0402b.5420	Police/Support/Minor Equipment	\$16,311
0402b.5421	Police/Support/Safety Equipment	\$13,162
0402b.5728	Police/Support/Schools & Conf.	\$5,700
0402b.5861	Police/Supprt/Furniture & Fixture Repair	\$12,835
0402b.5952	Police/Support/Advertising/Media Service	\$42,946
0402b.6062	Police/Support/Audio-Visual Equip.	\$33,928
0402b.6069	Police/Support/DP Equipment	\$133,306
0402b.6076	Police/Support/Misc. Equipment	\$53,775
0403b.6072	Police/Support/Furniture & Fixtures	\$8,982
12172.6069	Health/Info & Fiscal/Data Processing Equip.	\$88,013
14004.6069	Library/KENO/DP Equipment	\$11,600

38. That unencumbered appropriations and cash (where necessary) from the budget for the fiscal year beginning September 1, 2013 be transferred and reappropriated up to the following amounts effective August 31, 2014:

From:	12112.5021	Health/CHS/Salaries	\$10,000
	12101.5021	Health/Director's Office/Salaries	\$60,000
	18001.5989	Contingency	\$82,510
	18002.5657	General Expense/Human Services	\$150,000
	18002.5657	General Expense/Human Services (S/L 307715)	\$50,000
	18002.5657	General Expense/Human Services (S/L423661)	\$30,000
To:	12151.6076	Health/Dental/Misc. Equip.	\$ 10,000
	12172.6069	Health/Computer Resources/Data Proc. Equip.	\$60,000
	18002.5856	General Expense/City Share Lincoln Ctr. Maint.	\$32,510
	18002.5966	General Expense/Industrial Promotion	\$25,000
	18002.5649	General Expense/City Share-Human Services	\$25,000
	18002.5631	General Expense/Systems Development	\$230,000

39. There is hereby appropriated to each departmental operating budget 100% of the unencumbered

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operating appropriations as shown in the final Appropriation Status Report as of August 31, 2014 up to the amount shown below:

<u>FUND</u>	<u>AMOUNT</u>
General	\$6,600,000
Health	\$855,000
Animal Control	\$130,000
Library	\$225,000
Aging	\$125,000
911 Communications	\$386,000
StarTran	\$700,000

40. There is hereby attached and made a part hereof a listing of all funds of the City of Lincoln which are hereby confirmed and approved.

Introduced by Jonathan Cook

**Final Vote:** AYES: Cook, Eskridge, Fellers, Gaylor Baird; NAYS: Camp, Christensen.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN PARKS AND RECREATION DEPARTMENT AND THE LINCOLN PARKS AND RECREATION FOUNDATION TO ESTABLISH AND MAINTAIN ENDOWMENT FUNDS FOR CAPITAL IMPROVEMENT PROJECTS, MAJOR REPAIRS AND EXTRAORDINARY MAINTENANCE OBLIGATIONS IN VARIOUS PARKS AND PARK FACILITIES THROUGHOUT LINCOLN. (ACTION DATE: 8/25/14) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-88505 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement, between the City of Lincoln on behalf of the Parks and Recreation Department and the Lincoln Parks and Recreation Foundation, regarding the transfer of funds from the City to the Foundation, for establishing and maintaining endowment funds for five Parks and Recreation projects, upon the terms and conditions as set forth in said Agreement, is hereby approved, and the Mayor is authorized to enter into and execute said Agreement and make any necessary amendments thereto on behalf of the City.

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to Lynn Johnson, Director of the Parks and Recreation Department, for transmittal to the Lincoln Parks and Recreation Foundation.

Introduced by Jon Camp

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required) - NONE**

**RESOLUTIONS - 1<sup>ST</sup> READING**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 1 - 15, 2014.

COMP. PLAN CONFORMANCE 14017 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "WESTERN SUPPLY BUILDING REDEVELOPMENT PROJECT" FOR THE REDEVELOPMENT OF THE VACANT WESTERN SUPPLY BUILDING AND GRAVEL PARKING LOT INTO A COMMERCIAL/OFFICE USE GENERALLY LOCATED AT 820 N STREET.

APPROVING AN INTERAGENCY AGREEMENT BETWEEN THE STATE OF NEBRASKA DEPARTMENT OF MOTOR VEHICLES AND THE CITY OF LINCOLN URBAN DEVELOPMENT DEPARTMENT/ PARKING SERVICES DIVISION FOR LIMITED INQUIRY-ONLY ACCESS TO MOTOR VEHICLE RECORDS.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND RIXSTINE RECOGNITION FOR CENTENNIAL MALL TRIBUTE TILES, PURSUANT TO BID NO. 14-170, FOR A THREE YEAR TERM.

**OPEN MICROPHONE**

Jane Svoboda, no address given, came forward to offer comment on various issues.

Shar'on Glenn, 1805 Sumner, came forward to comment on Police accountability and that minorities are targeted victims of the Nebraska Criminal system. Discussion followed.



**ADJOURNMENT**

**10:06 P.M.**

CAMP Moved to adjourn the City Council Meeting of August 25, 2014.  
Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook,  
Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Emery.

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Teresa J. Meier, City Clerk