

**THE MINUTES OF THE BOARD OF EQUALIZATION MEETING HELD  
MONDAY, NOVEMBER 6, 2017 AT 3:00 P.M.**

The Board of Equalization met at 3:00 p.m. in the City Chambers of the County-City Building in Lincoln, Nebraska as required by law.

Present: Council Chair Christensen; Council Members: Camp, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; City Clerk: Teresa Meier.

Council Chair Christensen 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.

**ELECTION OF CHAIRPERSON**

CAMP Nominated Roy Christensen as Chair.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

CHRISTENSEN Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures.

**PUBLIC HEARING**

DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY N STREET ON THE SOUTH AND PINNACLE ARENA DRIVE ON THE WEST; THENCE NORTH AND NORTHEASTERLY ALONG PINNACLE ARENA DRIVE TO 8TH STREET; THENCE SOUTH ALONG 8TH STREET TO S STREET; THENCE EAST ALONG S STREET TO 9TH STREET; THENCE SOUTH ALONG 9TH STREET TO Q STREET; THENCE EAST ALONG Q STREET TO 10TH STREET; THENCE NORTH ALONG 10TH STREET TO A POINT APPROXIMATELY MID-BLOCK BETWEEN Q STREET AND R STREET; THENCE EAST ALONG SAID MID-BLOCK POINT TO 14TH STREET; THENCE SOUTH ALONG 14TH STREET TO Q STREET; THENCE EAST ALONG Q STREET TO CENTENNIAL MALL; THENCE SOUTH ALONG CENTENNIAL MALL TO M STREET; THENCE WEST ALONG M STREET TO 13TH STREET; THENCE SOUTH ALONG 13TH STREET TO L STREET; THENCE WEST ALONG L STREET TO 12TH STREET; THENCE NORTH ALONG 12TH STREET TO M STREET; THENCE WEST ALONG M STREET TO 9TH STREET; THENCE NORTH ALONG 9TH STREET TO N STREET; THENCE WEST ALONG N STREET TO PINNACLE ARENA DRIVE;

DOWNTOWN MAINTENANCE DISTRICT EXTENDING FROM 7<sup>TH</sup> ST. ON THE WEST TO 17<sup>TH</sup> ST. ON THE EAST AND FROM R ST. ON THE NORTH, TO M ST. ON THE SOUTH, INCLUDING THE PROPERTIES ABUTTING ON THE WEST SIDE OF 7<sup>TH</sup> ST. FROM N ST. TO R ST.; THE EAST SIDE OF 17<sup>TH</sup> ST. FROM Q ST. TO M ST.; THE NORTH SIDE OF R ST. FROM 7<sup>TH</sup> ST. TO 10<sup>TH</sup> ST.; THE SOUTH SIDE OF M ST. FROM 8<sup>TH</sup> ST. TO 17<sup>TH</sup> ST., BOTH SIDES OF 13<sup>TH</sup> ST. FROM M ST. TO LINCOLN MALL AND ALL OF CORNHUSKER SQUARE;

DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY N STREET ON THE SOUTH AND PINNACLE ARENA DRIVE ON THE WEST; THENCE NORTH AND NORTHEASTERLY ALONG PINNACLE ARENA DRIVE TO 9TH STREET; THENCE SOUTHEASTERLY ALONG 9TH STREET AND I-180 TO A POINT APPROXIMATELY MID-BLOCK BETWEEN R STREET AND Q STREET; THENCE EAST ALONG SAID MID-POINT TO 14TH STREET; THENCE SOUTH ALONG 14TH STREET TO Q STREET; THENCE EAST ALONG Q STREET TO 17TH STREET; THENCE SOUTH ALONG 17TH STREET TO K STREET; THENCE WEST ALONG K STREET TO 14TH STREET; THENCE SOUTH ALONG 14TH STREET TO A POINT APPROXIMATELY MID-BLOCK BETWEEN LINCOLN MALL AND H STREET; THENCE WEST ALONG SAID MID-BLOCK POINT TO 10TH STREET; THENCE SOUTH ALONG 10TH STREET TO K STREET; THENCE WEST ALONG K STREET TO 8TH STREET; THENCE NORTH ALONG 8TH STREET TO N STREET; THENCE WEST ALONG N STREET TO PINNACLE ARENA DRIVE;

WEST HAYMARKET/ DOWNTOWN MAINTENANCE DISTRICT GENERALLY LOCATED ALONG THE WEST LINE OF OUTLOT C, WEST HAYMARKET ADDITION FROM APPROXIMATELY K STREET ON THE SOUTH, NORTH TO N STREET AND CONTINUING NORTH ALONG THE CENTER LINE OF PINNACLE ARENA DRIVE TO APPROXIMATELY 9TH AND 10TH STREETS, THENCE SOUTH TO R STREET, THENCE WEST TO 7TH STREET, THENCE SOUTH TO O STREET, THENCE EAST TO 8TH STREET, THENCE SOUTH TO THE ALLEY SOUTH OF N STREET, THENCE WEST TO THE EAST LINE OF OUTLOT C, WEST HAYMARKET ADDITION - Ron Cane, Urban Development, came forward and stated these assessments are all based on expenditures approved for payments covering the time period from September 1, 2016 through August 31, 2017.

This matter was taken under advisement.

VOTING SESSION

DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY N STREET ON THE SOUTH AND PINNACLE ARENA DRIVE ON THE WEST; THENCE NORTH AND NORTHEASTERLY ALONG PINNACLE ARENA DRIVE TO 8TH STREET; THENCE SOUTH ALONG 8TH STREET TO S STREET; THENCE EAST ALONG S STREET TO 9TH STREET; THENCE SOUTH ALONG 9TH STREET TO Q STREET; THENCE EAST ALONG Q STREET TO 10TH STREET; THENCE NORTH ALONG 10TH STREET TO A POINT APPROXIMATELY MID-BLOCK BETWEEN Q STREET AND R STREET; THENCE EAST ALONG SAID MID-BLOCK POINT TO 14TH STREET; THENCE SOUTH ALONG 14TH STREET TO Q STREET; THENCE EAST ALONG Q STREET TO CENTENNIAL MALL; THENCE SOUTH ALONG CENTENNIAL MALL TO M STREET; THENCE WEST ALONG M STREET TO 13TH STREET; THENCE SOUTH ALONG 13TH STREET TO L STREET; THENCE WEST ALONG L STREET TO 12TH STREET; THENCE NORTH ALONG 12TH STREET TO M STREET; THENCE WEST ALONG M STREET TO 9TH STREET; THENCE NORTH ALONG 9TH STREET TO N STREET; THENCE WEST ALONG N STREET TO PINNACLE ARENA DRIVE;

DOWNTOWN MAINTENANCE DISTRICT EXTENDING FROM 7<sup>TH</sup> ST. ON THE WEST TO 17<sup>TH</sup> ST. ON THE EAST AND FROM R ST. ON THE NORTH, TO M ST. ON THE SOUTH, INCLUDING THE PROPERTIES ABUTTING ON THE WEST SIDE OF 7<sup>TH</sup> ST. FROM N ST. TO R ST.; THE EAST SIDE OF 17<sup>TH</sup> ST. FROM Q ST. TO M ST.; THE NORTH SIDE OF R ST. FROM 7<sup>TH</sup> ST. TO 10<sup>TH</sup> ST.; THE SOUTH SIDE OF M ST. FROM 8<sup>TH</sup> ST. TO 17<sup>TH</sup> ST., BOTH SIDES OF 13<sup>TH</sup> ST. FROM M ST. TO LINCOLN MALL AND ALL OF CORNHUSKER SQUARE;

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WEST HAYMARKET/ DOWNTOWN MAINTENANCE DISTRICT GENERALLY LOCATED ALONG THE WEST LINE OF OUTLOT C, WEST HAYMARKET ADDITION FROM APPROXIMATELY K STREET ON THE SOUTH, NORTH TO N STREET AND CONTINUING NORTH ALONG THE CENTER LINE OF PINNACLE ARENA DRIVE TO APPROXIMATELY 9TH AND 10TH STREETS, THENCE SOUTH TO R STREET, THENCE WEST TO 7TH STREET, THENCE SOUTH TO O STREET, THENCE EAST TO 8TH STREET, THENCE SOUTH TO THE ALLEY SOUTH OF N STREET, THENCE WEST TO THE EAST LINE OF OUTLOT C, WEST HAYMARKET ADDITION.

ESKRIDGE Moved approval.

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

ADJOURNMENT

3:12 P.M.

CAMP Moved to adjourn sine die the Board of Equalization Meeting.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

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Teresa J. Meier, City Clerk

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Monet J. McCullen, Office Specialist

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, NOVEMBER 6, 2017 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Christensen; Council Members: Camp, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; City Clerk: Teresa Meier.

Council Chair Christensen 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**

CAMP Having been appointed to read the minutes of the City Council Proceedings of October 30, 2017, reported having done so, found same correct.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Chris Beutler came forward and presented the Mayor's Award of Excellence for October, 2017, to Rachelle Hinze in the Purchasing Division of the City Finance Office. Shelly was nominated in the category of loss prevention by Purchasing Agent Bob Walla for her work with the City, Lancaster County and the Public Building Commission (PBC) on billing discrepancies. As a Buyer, she purchases items and services that cost less than \$25,000. She also manages most of the surplus property process for the City and County. In 2016, Purchasing became aware of billing discrepancies for cell phones and data services from the contracted vendor, Verizon. Shelly was asked to look into the issues, and her initial review showed areas where agencies could save money if they minimized the number of plans available. She recommended specific plans based on usage and the type of equipment used. Over six months, Rachelle worked with Verizon and all the agencies to determine the plans that were associated with each account. She reviewed hundreds of pages of Verizon reports and agency correspondence, to determine which accounts were in use and why the amounts on the bills were so different. Meetings with Verizon helped develop a list of plans that were effective and efficient. In the first month of service with all devices on the limited plans, Rachelle reviewed all invoices and worked with Verizon to resolve problems. She continues to work with agencies and Verizon to ensure that plans are still fitting the employees' specific needs. Shelly's work resulted in tens of thousands of dollars in savings to the City, County and PBC. It also raised awareness by agencies of the monthly billing rates to prevent future issues. Walla wrote, "Shelly continued her work as a Buyer while conducting the audit of all Verizon accounts. Her dedication to her Buyer position and desire to save taxpayer money, while improving customer service is why this request for Mayor's Award of Excellence is being requested."

Bob Walla, Purchasing Agent, came forward and shared that Shelly took this task on her own. She has a lot of other work to do and when he asked about this additional project she agreed to take it on. It did take about 6 months to go through about 1,800 devices that had to be looked at. A lot of detail went into this project and Shelly is an extremely hard worker and very deserving of this award.

Brandon Kauffman, Finance Director, came forward and said he is blessed to have a great staff and this shows an example of stewardship with the prevent of loss for the City and the County since the Purchasing Department serves both.

Shelly Hinze came forward and thanked her department and all who nominated her.

**PUBLIC HEARING**

APPOINTING AMBER BRANNIGAN TO THE URBAN DESIGN COMMITTEE FOR A TERM EXPIRING FEBRUARY 1, 2019 - Amber Brannigan, Administrator from the State Building Division, 4930 Claire Avenue, came forward and requested approval.

This matter was taken under advisement.

APPLICATION OF VIETLINK INVESTMENT GROUP, LLC DBA BUCK & GAS GENERAL STORE FOR A CLASS D LIQUOR LICENSE AT 2801 NORTHWEST 48<sup>TH</sup> STREET, SUITE #100;  
MANAGER APPLICATION OF PHU T. NGUYEN FOR VIETLINK INVESTMENT GROUP, LLC DBA BUCK & GAS GENERAL STORE AT 2801 NORTHWEST 48<sup>TH</sup> STREET, SUITE #100 - Phu T. Nguyen, 2801 Northwest 48<sup>th</sup> Street, applicant, came forward to take the oath and requested approval.

Carl Eskridge, Council Member, asked what was previously in this space.

Mr. Nguyen stated he believes it was empty for years but prior to that it was a gas station.

Jane Raybould, Council Member, asked from the time that application was started and then reviewed did the applicant come up with special modifications to the building to be in compliance for a liquor license.

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Investigator Conan Schafer, Lincoln Police Department, came forward and said to his knowledge there has not been anything done. It is possible that they went through the normal process and had changes to the original application as far as amendments and modifications and those would get turned into the Liquor Commission and that would be turned back into the City.

Ms. Raybould inquired about what modifications would have to be made by the applicant in order to qualify for a liquor license and what modifications would need to be made to have him outside the 100 feet from the residential property line.

Brian Will, Planning Department, came forward and explained part of what is being discussed is needing a special permit under the zoning ordinance. Currently, the way the building is, it is not possible to meet that separation. There is a condition where they could potentially meet the requirements and that would be to separate out a portion of the building as its own walled off separate entrance and separate point of sale. However, that plan has not been submitted yet and that special permit has not been approved yet and the recommendation for denial is solely due to that requirement.

Roy Christensen, Council Chair, confirmed that the Planning Department is recommending denial.

Mr. Will confirmed that to be true. There has been a meeting with the applicant and with the architect and it is possible to complete the requirements if they choose to do so. Discussion followed.

This matter was taken under advisement.

**APPROVING A REQUEST TO THE CITY PERFORMANCE AUDIT COMMITTEE, PURSUANT TO CHAPTER 4.66 OF THE LINCOLN MUNICIPAL CODE, TO RECOMMEND THAT 1) THE COUNCIL DIRECT THAT THE FEE-STRUCTURE INQUIRY BY THE PERFORMANCE AUDIT COMMITTEE FOR FISCAL YEAR 2016-17 BE CARRIED OVER FOR COMPLETION IN FISCAL YEAR 2017-18 AND 2) THE COUNCIL REVIEW THE REPORTS PROVIDED AND PROVIDE FEEDBACK TO THE PERFORMANCE AUDIT COMMITTEE REGARDING ANY FURTHER INFORMATION DESIRED -** Jeff Kirkpatrick, City Attorney, came forward and explained this is a follow-up to the Council's direction to the Performance Audit Committee last year to perform fee comparisons between the City and other comparable cities. The Committee had a good start on those but has not completed all the comparisons because they are still waiting for other cities to prove us with the data we need to make the comparison. The Performance Audit Committee came forward with this resolution asking for more time to complete this. There is an amendment to this resolution that just clarifies some language but it does not change the focus of the resolution.

This matter was taken under advisement.

**APPLICATION OF ALL IN ACQUISITIONS, LLC FOR USE OF PUBLIC-RIGHT-WAY TO CONSTRUCT A STAIRWAY IN ALLEY AT 325 SOUTH 11<sup>TH</sup> STREET -** Luke Flowerday, Managing Member of All in Acquisitions, LLC, 1316 S. 14<sup>th</sup> Street, came forward and explained he has purchased this property. The property is being renovated and the intent is to have two residential units as well as two commercial units in the front of the building. There is currently a cast iron staircase that was originally constructed in Lincoln that was once used as access and a primary means of egress to the second floor back unit. They are requesting a use of public space for the existing staircase and they are working with Planning and Building and Safety to determine if the staircase can either qualify for historical exemptions or if it will need to be rebuilt. The staircase does not intrude into the alleyway anymore than some existing dumpsters. The current width of the staircase is around 42 inches. If a new staircase needs to be rebuilt, they would not go any wider than the width of the dumpsters. Discussion followed.

Cyndi Lamm, Council Member, asked if the permit is for the existing staircase or if the staircase will be larger and need the permit for the right-of-way.

Mr. Flowerday explained he was told he needed the permit for the right-of-way on the existing staircase because the staircase was not originally permitted and the City had no record of it. Discussion followed.

This matter was taken under advisement.

**APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN FIRE & RESCUE DEPARTMENT AND THE CITY OF OMAHA ON BEHALF OF THE OMAHA FIRE DEPARTMENT TO PROVIDE MUTUAL AID AND ASSISTANCE OF THE FIRE INVESTIGATION UNIT'S ACCELERANT DETECTION CANINE TEAM TO THE REQUESTING AGENCY DURING A FIRE INVESTIGATION -** Michael Despain, Chief of Lincoln Fire and Rescue, came forward and shared that Lincoln Fire does not have a K-9/arson detection dog and there might not be enough demand of service to need a dog. The best way to do this now is to partner with other agencies that do have one. Omaha's fire Chief is happy to partner with us. This Agreement will allow a legal way to reimburse Omaha Fire Department when they use the K-9 services. They are looking to enter into a 4 year Agreement.

Jon Camp, Council Member, inquired about the amount to be paid per year.

Chief Despain explained they are charging for the dog and the handler and they have a rate that could change over the years. They anticipate a typical call out might be around \$200 or \$300. The Agreement would be equivalent to about 3 call outs per year.

This matter was taken under advisement.

**AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CHANGING THE TITLE OF CLASS 1473 FROM "TECHNICAL SUPPORT SPECIALIST I" TO "ENTERPRISE SYSTEMS ADMINISTRATOR" -** Doug McDaniel, Human Resources Director, came forward and shared

this classification is a revised request from Information Services. The class of "Technical Support Specialist" will have a title change to "Enterprise Systems Administrator" that will better reflect the work that is being performed. The class itself will be revised extensively due to a consolidation of duties that will also better reflect the work being done in this area.

Jon Camp, Council Member, asked for clarification on the pay range of the new classification.

Mr. McDaniel shared the pay range will effect two individuals and their pay will be adjusted by contract of 3.25%. When looking at the class description it was last revised in 1997. Discussion followed.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CREATING THE CLASSIFICATION OF "ASSISTANT PARKING MANAGER" - Doug McDaniel, Human Resources Director, came forward and explained this class is created at the request of Urban Development and is created to reflect the work that is being performed. The expansion with parking in the City has created some additional duties.

Leirion Gaylor Baird, Council Member, asked if funding for this was already budgeted.

Mr. McDaniel stated it is being absorbed. Urban Development has had retirements. This will be limited to a 3.25% increase. There are also no added FTE's.

Cyndi Lamm, Council Member, inquired about the source of these funds.

David Landis, Urban Development Director, came forward and explained these funds come from the Parking Fund and not the General Fund.

This matter was taken under advisement.

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE TO ADOPT THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE, AS SPECIFICALLY AMENDED, AND MODIFYING THE FEE STRUCTURE - Chad Blahak, Building and Safety Director, came forward and shared this is updating the Lincoln Electrical Code to adopt the 2017 National Electrical Code as the base code. Building and Safety is currently operating under the 2014 code. Some changes include eliminating some fees to the registration categories. They are also lowering fees for certain sizes of service installation. The primary change has to do with a wiring method. There was a request to investigate this item further and the task force agreed to lessen some of the requirements and allow different material be used in certain circumstances. This will reflect about a 30% saving on high rise with residential uses. Discussion followed.

This matter was taken under advisement.

ADOPTING THE LINCOLN ELECTRIC SYSTEM RATE SCHEDULES TO BECOME EFFECTIVE JANUARY 1, 2018. (RELATED ITEMS: 17R-271, 17R-272, 17-156) (ACTION DATE: 11/20);

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2018 TO BECOME EFFECTIVE JANUARY 1, 2018. (RELATED ITEMS: 17R-271, 17R-272, 17-156) (ACTION DATE: 11/20);

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000,000 LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS. (RELATED ITEMS: 17R-271, 17R-272, 17-156) (ACTION DATE: 11/20) - Laura Kapustka, Vice President and Chief Financial Officer for LES, 1040 O Street, came forward and shared there are 3 items to discuss: the budget, the rates and a financing ordinance. The 2018 operating budget is \$273.4 million and the Capital Budget is \$90.5 million with a total of \$363.9 million. This will be about \$15 million dollars lower than the 2017 budget. The 2018 budget does not require a rate increase except for the street light class, which is 9.7%. They are proposing to continue with the rate restructuring to the facility and energy charges. This budget does meet the financial targets or moves towards the financial targets. It does include a long term financing of about \$115 million which will not occur until summer of 2018. They still have the Rate Stabilization Fund that is fully funded. The Capital Budget is up about \$2.5 million from last year. There are a few large projects that are in the Capital Budget: LES Operations Center is budgets for \$29.4 million, Laramie River Station is \$17.6 million, Southeast Lincoln Reliability Program is \$6.4 million, Underground Rebuilds is budgeted for \$4.5 million and the Duct Installation Program is \$4.2 million. The Operating Budget is broken down into 4 sections: Powers costs budgeted at \$137 million, Operating & Maintenance and Administrative & General is budgeted for \$70.3 million, Transmission is budgeted for \$14.8 million and Depreciation is budgeted for \$51.3 million. This is about \$17.5 million less than the 2017 Budget.

Jon Camp, Council Member, asked what the difference is for the Allo distribution of fiber.

Kevin Wailes, 1040 O Street, came forward and explained it is an additional \$3 million on top of what is being currently spent. Right now, they are almost at \$2.5 million, which is much more than what was budgeted for. There is also no cost sharing with Allo to perform this task. LES does have an obligation to locate their facilities. They do not want to raise rates around this because this cost should lower. Discussion followed.

Ms. Kapustka stated when doing the budget they always run it through their cost of service model. That means that each rate class should pay the cost to serve that type of customer. A residential customer has a different price than a larger industrial customer. The goal when running the cost of service, is to be within plus or minus 5% of that cost or service, which means to keep it between 95% - 105%. Another goal is to not move customer rates around rapidly. This allows customers to have some type of prediction as to what their rates will be.

Mr. Camp asked if the transition to LED lights was having some offset to some of the increase.

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Ms. Kapustka explained they have been asked for a 5 year projection that reflects the City going 100% to LED street lights and what would happen to that rate over the next 5 years. That is something that is being worked on to see what would happen to the maintenance costs as well as energy costs.

Mr. Wailes shared the old poles would still be there, that is part of the infrastructure and those costs would not change. The energy and maintenance of changing lamps out would be because LED's last longer and there would be some offsets that have to be quantified.

Ms. Kapustka stated they are proposing more of a rate restructuring and there are 3 components on their non-demand bills that contribute to rate restructures: customer charge, facilities charge and energy charge. This year they are only proposing residential and heating service changes. There will also be no changes to the general services. The budget resolution would adopt the 2018 Operating and Capital Budget, provide LES the ability to reimburse itself for 2018 capital expenditures through the future issuance of bonds, provide continued eminent domain authority, and energy assistance program funding. The proposed 2018 budget does not require a system-wide rate adjustment, but there is a 9.7% increase to the street light rate class based on cost to service. The final proposal is for the approval of 2018 financing authorization. The budget includes a \$115 million financing that will occur at some point during the summer of 2018. Anytime there is a financing that requires LES Board approval it must also get City Council approval. They have submitted an ordinance similar to the ones that have been submitted in the past. This would be the 8<sup>th</sup> series ordinance and this would allow issuance of up to \$300 million of bonds prior to 2019.

Mr. Camp asked for the current level of debt and how has that gone up or down over the last 5 to 10 years.

Ms. Kapustka said they are currently just under \$600 million and that is something they work on bringing down because the debt equity ratio is a little high. They have been successful with refunding over the last few years, which also helps to bring that down. LES tries to pay half of their capital with cash on hand to not out borrow for every single dollar to try and keep that level from increasing. Discussion followed.

This matter was taken under advisement.

**APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND TRUCK EQUIPMENT SERVICE EQUIPMENT FOR USE IN CONJUNCTION WITH THEIR PRIVATE BUSINESS OF THE MANUFACTURE, SALE, AND SERVICING OF TRUCKS, TRAILERS, AND RELATED EQUIPMENT** - Lynn Johnson, Parks & Recreation Director, came forward and shared this is a renewal on a lease on some property that was originated in 1997 and was renewed in 2012. The site is located on the east side of I-180, east of Oak Lake Park and North of the lake on the opposite side. This is a 5 year extension of the current Agreement and it has an option to renew for 2 additional 5 year terms. There are a few changes from the original Agreement. The site is 6.42 acres and Parks worked with the Lessor and identified an area where landscaping could be installed to provide some screening along I-180, which will eliminate the size of the parcel by about .85 acres. The area will now be 5.57 acres. The provisions of the lease is that the amount is based on the original lease amount and then will increase by CPI every 8 years. The lease amount has been adjusted and reduced by the .85 acres. The new lease rate for the upcoming 5 years is \$10,843.29 for the 5.57 acres. Another new provision in the Agreement is that the rent proceeds are to be directed to the Lincoln Parks Foundation and they should be placed in an endowment fund for scholarships for economically disadvantaged youth to participate in recreation programs. The final change is the name of the Lessor that will change from E.J.C Corporation to Trunk Equipment Service Company.

Cyndi Lamm, Council Member, asked where the funds are currently directed and inquired more about the endowment scholarships.

Mr. Johnson explained that those funds currently go into the General Fund. The endowment scholarships will be used in a variety of recreation programs. In prior years, there have been funds used for swimming lessons, and the purchase of swimming suits for youth to be able to swim. They have done sports teams, summer day camp, and occasionally have been for before and after school programs.

Jon Camp, Council Member, asked if the \$10.8 thousand is going into an endowment for 5 years and will they be giving out most of it for the scholarship.

Mr. Johnson stated the intent would be to hold on to the principal amount and this would build up over the 5 years and there would be over \$50,000 which annually could generate \$2,000 in scholarships. They plan on about 4% of the principal of the endowment being available for use. Discussion followed.

Mr. Camp asked what are the fees associated with the landscaping.

Mr. Johnson explained within the Agreement, there is a landscape plan included and landscaping is primarily evergreen trees. The cost for the landscaping was included in the cost for the overall airport entryway corridor project. Discussion followed.

This matter was taken under advisement.

**ANNEXATION 17004 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 283.79 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91<sup>ST</sup> STREET AND ROKEBY ROAD** - David Cary, Planning Department Director, came forward and explained this annexation was delayed at the request of the private land owners who agreed to the annexation but wanted to figure out the tax implications on their properties.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPOINTING AMBER BRANNIGAN TO THE URBAN DESIGN COMMITTEE FOR A TERM EXPIRING FEBRUARY 1, 2019 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90754 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Amber Brannigan to the Urban Design Committee, for a term expiring February 1, 2019, is hereby approved.

Introduced by Leirion Gaylor Baird

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

APPROVING A CONSTRUCTION ENGINEERING AGREEMENT SUPPLEMENT NO. 1 BETWEEN THE CITY OF LINCOLN AND KIRKHAM MICHAEL & ASSOCIATES FOR CONSULTANT COMPENSATION FOR ADDITIONAL WORK NECESSARY TO COMPLETE THE LINCOLN CAVETT CONNECTOR TRAIL FEDERAL AID PROJECT (STATE PROJECT NO. ENH-55(172), CN 13079) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90755 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Professional Services Agreement Supplement No. 1 between the City of Lincoln and Kirkham, Michael and Associates, Inc. for the use of Federal Aid Project Funds distributed by the Nebraska Department of Roads for consultant compensation for additional work necessary to complete the Lincoln Cavett Trail Connector Federal Aid Project (State Project No. ENH-55(172)), in accordance with the terms and conditions contained in said Agreement, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copy of the Agreements to Sara Hartzell, Parks and Recreation Department, for transmittal and execution by the State Department of Roads.

Introduced by Leirion Gaylor Baird

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

RESOLUTION SETTING THE HEARING DATE OF MONDAY, DECEMBER 11, 2017 AT 3:00 P.M. FOR THE ASSESSMENT OF WEED ABATEMENT COSTS INCURRED BY THE CITY OF LINCOLN FOR THE PERIOD OF JANUARY 1, 2017 THROUGH DECEMBER 31, 2017 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90756 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That a public hearing date of Monday, December 11, 2017, at 3:00 p.m. or as soon thereafter as possible is hereby set on the assessment of weed abatement costs incurred by the City of Lincoln, Nebraska, for the period of January 1, 2017 through December 31, 2017.

Introduced by Jane Raybould

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON OCTOBER 23, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON SEPTEMBER 30, 2017 - 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, NOVEMBER 20, 2017 AT 5:30 P.M. ON THE APPLICATION OF GEANINE'S INC. DBA TICO'S FOR A CLASS C LIQUOR LICENSE AT 317 S. 17<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90757 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 20, 2017, at 5:30 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 Geanine's Inc. dba Tico's for a Class C Liquor License at 317 S. 17<sup>th</sup> Street.

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

Introduced by Jane Raybould

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

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SETTING THE HEARING DATE OF MONDAY, NOVEMBER 20, 2017 AT 5:30 P.M. ON THE APPLICATION OF LINA TRUU INC. DBA SCREAMERS DINING & CABARET FOR A CLASS I LIQUOR LICENSE AT 803 Q STREET, SUITE #150 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90758 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 20, 2017, at 5:30 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 Lina Truu Inc. dba Screammers Dining & Cabaret for a Class I Liquor License at 803 Q Street, Suite #150.

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

Introduced by Jane Raybould

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 20, 2017 AT 5:30 P.M. ON THE MANAGER APPLICATION OF TIPHANIE BRUYETTE FOR WHITEHEAD OIL CO. DBA U-STOP #5 AT 8231 E. O STREET - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90759 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 20, 2017, at 5:30 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 Tiphania Bruyette for Whitehead Oil Co. dba U-Stop #5 at 8231 E. O Street.

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

Introduced by Jane Raybould

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 20, 2017 AT 5:30 P.M. ON THE MANAGER APPLICATION OF MACKENZI K. MADISON FOR NHC, LLC DBA COPPER KETTLE AT 101 N. 14<sup>TH</sup> ST., SUITE 6A - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90760 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 20, 2017, at 5:30 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 Mackenzi K. Madison for NHC, LLC dba Copper Kettle at 101 N. 14<sup>th</sup> St., Suite 6A.

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

Introduced by Jane Raybould

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 20, 2017 AT 5:30 P.M. ON THE MANAGER APPLICATION OF TYLER J. DAGEFORDE FOR WADSWORTH OLD CHICAGO, INC. DBA OLD CHICAGO AT 826 P STREET - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90761 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 20, 2017, at 5:30 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 Tyler J. Dageforde for Wadsworth Old Chicago, Inc. dba Old Chicago at 826 P Street.

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

Introduced by Jane Raybould

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

**THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT:**

Change of Zone No. 17015 – Requested by Starostka-Lewis, LLC, from AG (Agricultural District) to R 3 (Residential District) on approximately 67.67 acres, more or less, on property generally located at O and North 112th Streets.

Change of Zone No. 17030 – Requested by Matodol, LLC, from AG (Agricultural District) to R 3 (Residential District) Planned Unit Development (PUD), for a residential area with single family, multiple family and residential transition uses, with various waivers, consisting of 78.66 acres, more or less, on property generally located at 91st and Van Dorn Streets.

Change of Zone No. 17031 – Requested by Gage Investments, LLC, from AG (Agricultural District) to R 3 (Residential District), on property generally located at 7721 Portsche Lane.

Special Permit No. 10007A – Requested by Barner Capital, LLC, amending the Hamann Meadows Community Unit Plan to add 12 dwelling units, with waivers to setbacks, lot lines perpendicular to the street, and lot area, on property generally located at 4050 South 76th Street (South 76th Street and Lowell Avenue).



Special Permit No. 17022 – Requested by Starostka-Lewis, LLC, Dominion at Stevens Creek Community Unit Plan with up to 433 residential dwelling units including single family units and townhome units on approximately 153.97 acres, more or less, with requested waivers on property generally located at O and North 112th Streets.

Special Permit No. 17036 – Requested by Gage Investments, LLC, for a 12 lot Community Unit Plan (CUP) which allows for up to a maximum of 30 dwelling units, with waivers to setbacks and design standards for cul de sac, on property generally located at 7721 Portsche Lane.

Text Amendment No. 17015 – Requested by City of Lincoln, to amend the Lincoln Municipal Code Sections 27.02 Definitions, 27.06.020 Classification of Use Types, 27.06.070 Household Living Use Group Table, 27.62.040 Household Living Use Group Conditions, 27.67.030 Parking General Conditions, 27.67.040 Parking Special Conditions, 27.72.020 Height and Lot Regulations, 27.72.120 Accessory Buildings; and Design Standards Chapter 1.00, Chapter 3.75, and adding Chapter 3.115, to expand the areas in Lincoln where Accessory Dwellings are allowed.

### LIQUOR RESOLUTIONS

APPLICATION OF EFTHYMIOS GELASTOPOULOS DBA MAD MIKES BAR AND GRILL FOR A CLASS I LIQUOR LICENSE AT 230 NORTH 12<sup>TH</sup> STREET - PRIOR to reading:

CAMP Moved to continue Public Hearing & Action 2 weeks to 11/20/17.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

APPLICATION OF VIETLINK INVESTMENT GROUP, LLC DBA BUCK & GAS GENERAL STORE FOR A CLASS D LIQUOR LICENSE AT 2801 NORTHWEST 48<sup>TH</sup> STREET, SUITE #100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-90765 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, pertinent City ordinances, and the following:

- a. If the applicant is of a class of person to whom no license can be issued.
- b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.
- c. If the issuance of the license would be compatible with the nature of the neighborhood or community.
- d. If existing licenses with similar privileges adequately serve the area.
- e. If there are any existing motor vehicle and/or pedestrian traffic flow issues in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.
- f. If there is an adequate number of existing law enforcement officers in the area.
- g. If there are zoning and/or distance restrictions that prevent the issuance of a license.
- h. If there are sanitation and/or sanitary conditions on or about the area.
- i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Vietlink Investment Group, LLC dba Buck & Gas General Store for a Class AD@ liquor license at 2801 Northwest 48th Street, Suite #100, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.
- d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

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

Introduced by Jon Camp

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

MANAGER APPLICATION OF PHU T. NGUYEN FOR VIETLINK INVESTMENT GROUP, LLC DBA BUCK & GAS GENERAL STORE AT 2801 NORTHWEST 48<sup>TH</sup> STREET, SUITE #100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-90766 WHEREAS, Vietlink Investment Group, LLC dba Buck & Gas General Store located at 2801 Northwest 48th Street, Suite #100, Lincoln, Nebraska requests that Phu T. Nguyen be named manager of its facility in accordance with its application for a liquor license.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends to the

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Nebraska Liquor Commission that Phu T. Nguyen be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

**PUBLIC HEARING - RESOLUTIONS**

APPROVING A REQUEST TO THE CITY PERFORMANCE AUDIT COMMITTEE, PURSUANT TO CHAPTER 4.66 OF THE LINCOLN MUNICIPAL CODE, TO RECOMMEND THAT 1) THE COUNCIL DIRECT THAT THE FEE-STRUCTURE INQUIRY BY THE PERFORMANCE AUDIT COMMITTEE FOR FISCAL YEAR 2016-17 BE CARRIED OVER FOR COMPLETION IN FISCAL YEAR 2017-18 AND 2) THE COUNCIL REVIEW THE REPORTS PROVIDED AND PROVIDE FEEDBACK TO THE PERFORMANCE AUDIT COMMITTEE REGARDING ANY FURTHER INFORMATION DESIRED - PRIOR to reading:

CAMP Moved to amend Bill No. 17R-267 as follows:

On page 1, line 14, after the words "City Council" strike the words "further requests the City Performance Audit Committee to".

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

CLERK Read the following resolution, introduced by Cyndi Lamm, who moved its adoption:

A-90762 WHEREAS, Art IV, § 8 of the Lincoln Charter grants the City Council certain examination and review powers concerning any subject upon which it may legislate or the operations of any department engaged in the administration of City affairs; and

WHEREAS, Chapter 4.66 of the Lincoln Municipal Code created the City Performance Audit Committee with the duties and powers of advising the City Council on certain matters; and

WHEREAS, pursuant to Lincoln Municipal Code § 4.66.040, the City Performance Audit Committee has certain responsibilities, including, when directed to do so by resolution of the City Council, determining whether an audit as suggested in the Council's resolution is appropriate and desirous, and to determine what the scope of such audit should be; and

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

(1) That the City Council hereby directs the City Performance Audit Committee to direct that the fee-structure inquiry for fiscal year 2016-17 be carried over for completion in fiscal year 2017-18; and

(2) That the City Council ~~further requests the City Performance Audit Committee to~~ review the comparison reports provided and those to be provided in the future, and provide feedback to the Performance Audit Committee regarding any further information desired.

That the City Council directs the City Performance Audit Committee to complete the reviews requested by August 31, 2018.

Introduced by Cyndi Lamm

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

APPLICATION OF ALL IN ACQUISITIONS, LLC FOR USE OF PUBLIC-RIGHT-WAY TO CONSTRUCT A STAIRWAY IN ALLEY AT 325 SOUTH 11<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90763 WHEREAS, All In Acquisitions, LLC has submitted an application for a permit to use approximately 221 square feet of alley public right-of-way abutting the property located at 325 South 11th Street for construction of an exterior exit stairway from the 2nd floor at this location; and

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

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

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

That the application aforesaid of All In Acquisitions, LLC to use approximately 221 square feet of alley public right-of-way abutting the property located at 325 South 11th Street for the purpose of constructing an exterior exit stairway, be granted as a privilege only by virtue of and subject to strict compliance with the plans, the letter of application, and the following terms and conditions:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee of \$221.00 (221 square feet at \$.50 per foot for each floor) for the use of the public right-of-way.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The applicant, its heirs, successors, or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the South 11th Street public way requested herein.

4. The applicant shall require his contractor to contact Diggers Hotline of Nebraska prior to commencing construction activities.

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

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

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

8. The City Clerk is directed to deliver a copy of this resolution to the City Treasurer for setting up an account for collection of the applicant's annual fee.

Introduced by Leirion Gaylor Baird

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN FIRE & RESCUE DEPARTMENT AND THE CITY OF OMAHA ON BEHALF OF THE OMAHA FIRE DEPARTMENT TO PROVIDE MUTUAL AID AND ASSISTANCE OF THE FIRE INVESTIGATION UNIT'S ACCELERANT DETECTION CANINE TEAM TO THE REQUESTING AGENCY DURING A FIRE INVESTIGATION - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-90764 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Mutual Aid and Assistance Agreement between the City of Lincoln on behalf of the Lincoln Fire & Rescue Department and the City of Omaha on behalf of the Omaha Fire Department to provide mutual aid and the assistance of the Fire Investigation Unit's accelerant Detection Canine Team to the requesting agency during a fire investigation, in accordance with the terms, conditions, and assurances contained in said Mutual Aid and Assistance Agreement, is hereby approved and the Mayor is hereby authorized to execute said Mutual Aid and Assistance Agreement on behalf of the City.

The City Clerk is directed to return one executed copy of the Mutual Aid and Assistance Agreement to Micheal Despain, Fire Chief.

Introduced by Leirion Gaylor Baird

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

## **PUBLIC HEARING ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS - SEE BELOW**

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CHANGING THE TITLE OF CLASS 1473 FROM "TECHNICAL SUPPORT SPECIALIST I" TO "ENTERPRISE SYSTEMS ADMINISTRATOR" - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Ordinance No. 20543 passed August 28, 2017, relating to the schedules of pay ranges for employees of the City of Lincoln whose classifications are assigned to a pay range which is prefixed by the letter "A", by changing the class title for the job classification "Technical Support Specialist I" to "Enterprise Systems Administrator" and by changing the pay range from A13 to A19, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CREATING THE CLASSIFICATION OF "ASSISTANT PARKING MANAGER" - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Ordinance No. 20543 passed August 28, 2017, relating to the schedules of pay ranges for employees of the City of Lincoln whose classifications are assigned to a pay range which is prefixed by the letter "A", by creating the job classification of "Assistant Parking Manager", the second time.

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE TO ADOPT THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE, AS SPECIFICALLY AMENDED, AND MODIFYING THE FEE STRUCTURE - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 23.10 of the Lincoln Municipal Code ("LMC"), the Electrical Code, to adopt the 2017 Edition of the

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National Electrical Code, as specifically amended by Chapter 23.10 of the LMC, by amending Sections 23.10.010, 23.10.025, 23.50.040, 23.10.010, 23.10.060, 23.10.090, 23.10.120, 23.10.160, 23.10.170, 23.10.195, 23.10.200, 23.10.230, 23.10.240, 23.10.250, 23.10.290, 23.10.300, 23.10.510, and 23.10.520 to incorporate revisions necessitated by the adoption of the 2017 Edition; adding a new section numbered 23.10.35 Severability; and repealing Sections 23.10.010, 23.10.025, 23.10.040, 23.10.050, 23.10.060, 23.10.090, 23.10.120, 23.10.160, 23.10.170, 23.10.195, 23.10.200, 23.10.230, 23.10.240, 23.10.250, 23.10.290, 23.10.300, 23.10.510, and 23.10.520 of the Lincoln Municipal Code as hitherto existing, the second time.

ADOPTING THE LINCOLN ELECTRIC SYSTEM RATE SCHEDULES TO BECOME EFFECTIVE JANUARY 1, 2018. (RELATED ITEMS: 17R-271, 17R-272, 17-156) (ACTION DATE: 11/20)

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2018 TO BECOME EFFECTIVE JANUARY 1, 2018. (RELATED ITEMS: 17R-271, 17R-272, 17-156) (ACTION DATE: 11/20)

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000,000 LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS. (RELATED ITEMS: 17R-271, 17R-272, 17-156) (ACTION DATE: 11/20) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, an Eighth Series Ordinance adopted under and Pursuant to Ordinance No. 17879 passed July 23, 2001; authorizing the issuance of Lincoln Electric System Revenue and Refunding Bonds of the City of Lincoln, Nebraska in one or more series in an aggregate principal amount not to exceed \$300,000,000; fixing in part and providing for the fixing in part of the details of such bonds; providing for the sale of such bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and related matters, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND TRUCK EQUIPMENT SERVICE EQUIPMENT FOR USE IN CONJUNCTION WITH THEIR PRIVATE BUSINESS OF THE MANUFACTURE, SALE, AND SERVICING OF TRUCKS, TRAILERS, AND RELATED EQUIPMENT - CLERK read an ordinance, introduced by Leirion Gaylor Baird, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and Truck Equipment Service Company, and affiliate of E.J.C. Corporation, for the lease of property for limited use in conjunction with their private business of the manufacture, sale, and servicing of trucks, trailers, and related equipment for a five-year term, the second time.

**PUBLIC HEARING - ORDINANCES - 3<sup>RD</sup> READING**

ANNEXATION 17004 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 283.79 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91<sup>ST</sup> STREET AND ROKEBY ROAD. (RELATED ITEMS: 17R-165, 17R-166, 17-78, 17R-162) - CLERK read an ordinance, introduced by Bennie Shobe, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

SHOBE Moved to pass the ordinance as read.

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

The ordinance, being numbered #20575, is recorded in Ordinance Book 33.

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS**

ANNEXATION 17014 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 2.72 ACRES OF PROPERTY GENERALLY LOCATED AT 5600 WEST ADAMS STREET - CLERK read an ordinance, introduced by Carl Eskridge, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

The ordinance, being numbered #20576, is recorded in Ordinance Book 33.

ANNEXATION 17015 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 152 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN 1<sup>ST</sup> AND 14<sup>TH</sup> STREETS ON BOTH SIDES OF FLETCHER AVENUE - CLERK read an ordinance, introduced by Carl Eskridge, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

ESKRIDGE Moved to pass the ordinance as read.  
Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge,  
Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.  
The ordinance, being numbered #20577, is recorded in Ordinance Book 33.

ANNEXATION 17016 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING  
APPROXIMATELY 203 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN 84<sup>TH</sup> AND 95<sup>TH</sup>  
STREETS AND SOUTH OF HOLDREGE STREET - PRIOR to reading:

ESKRIDGE Moved to amend Bill No. 17-151 to have an effective date of 11/06/18.  
Seconded by Gaylor Baird.

LAMM Moved to place Bill No. 17-151 on the Pending List Date Certain with continued Public  
Hearing  
one year to 11/05/18.

Seconded by Camp.

Council Chair Christensen stated that there are three actions to vote on. First vote will be on  
Council Member Lamm's vote to place Bill No. 17-151 on Pending to 11/05/18. If that motion passes then  
the Amendment from Council Member Eskridge will go away. There are 6 Council Members present and  
any vote that has a 3-3 vote will fail.

Council Chair Christensen called for the vote on Council Member Lamm's amendment.

ESKRIDGE Made a motion to appeal the ruling of the Council Chair to vote on Council Member Lamm's  
amendment first.

Seconded by Gaylor Baird & failed by the following vote: AYES: Eskridge, Gaylor Baird, Shobe;  
NAYS: Camp, Christensen, Lamm; CONFLICT OF INTEREST: Raybould.

Council Chair Christensen called for the vote on Council Member Lamm's motion.

Motion failed by the following vote: AYES: Camp, Christensen, Lamm; NAYS: Eskridge, Gaylor  
Baird, Shobe; CONFLICT OF INTEREST: Raybould.

Council Chair Christensen called for the vote on Council Member Eskridge's motion.

Motion passed by the following vote: AYES: Christensen, Eskridge, Gaylor Baird, Shobe; NAYS:  
Camp, Lamm; CONFLICT OF INTEREST: Raybould.

CLERK Read an ordinance, introduced by Carl Eskridge, annexing and including the below described land  
as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a  
part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of  
Lincoln, Nebraska established and shown thereon, the third time.

(Due to lack of vote on Main Motion, item will carry over for final Action on 11/20/17)

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND BLUE  
RIDGE UNLIMITED, LLC FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED  
AT 7701 GREYCLIFF - CLERK read an ordinance, introduced by Carl Eskridge, approving a Real Estate  
Sales Agreement between the City of Lincoln and Blue Ridge Unlimited, LLC authorizing the sale of City  
owned property generally located at 7701 Greycliff, Lincoln, Nebraska, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge,  
Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

The ordinance, being numbered #20578, is recorded in Ordinance Book 33.

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

APPROVING A CONTRACT AMONG THE CITY OF LINCOLN, LANCASTER COUNTY, LINCOLN-  
LANCASTER COUNTY PUBLIC BUILDING COMMISSION, AND MIDWEST OFFICE  
AUTOMATIONS FOR COST-PER-COPY SERVICES, PURSUANT TO BID NO. 17-199, FOR A FOUR  
YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM.  
(CONSENT)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING  
DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 16-31, 2017.

COMPREHENSIVE PLAN CONFORMANCE 17017 – APPROVING AN AMENDMENT TO THE ANTELOPE  
VALLEY REDEVELOPMENT PLAN TO AMEND THE “TELEGRAPH DISTRICT PHASE 2  
REDEVELOPMENT PROJECT” TO INCLUDE UP TO FIVE AREAS WITH BUILDING AND  
PARKING IMPROVEMENTS AND CONNECTING STREETScape ENHANCEMENTS  
GENERALLY LOCATED SOUTH OF O STREET, EAST OF SOUTH 20<sup>TH</sup> STREET, AND WEST OF  
ANTELOPE CREEK INCLUDING M AND N STREETS.

#### ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)

CHANGE OF ZONE 17029 – APPLICATION OF PAR 5 PARTNERS, LLC FOR A CHANGE OF ZONE FROM  
O-2 SUBURBAN OFFICE DISTRICT, O-3 OFFICE PARK DISTRICT, AND I-2 INDUSTRIAL PARK  
DISTRICT TO I-3 EMPLOYMENT CENTER DISTRICT ON PROPERTY GENERALLY LOCATED

**REGULAR MEETING  
NOVEMBER 6, 2017  
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AT NORTHWEST 1<sup>ST</sup> STREET AND WEST FLETCHER AVENUE. (RELATED ITEMS: 17-158, 17R-275) - CLERK read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

USE PERMIT 17007 – APPLICATION OF PAR 5 PARTNERS, LLC FOR A NEW I-3 USE PERMIT, WITH WAIVERS TO SETBACKS AND SIGN REGULATIONS, ON PROPERTY GENERALLY LOCATED AT NORTHWEST 1<sup>ST</sup> STREET AND WEST FLETCHER AVENUE. (RELATED ITEMS: 17-158, 17R-275) ACTION DATE: 12/4/17)

ANNEXATION 17017 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 156 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN 84<sup>TH</sup> AND 105<sup>TH</sup> STREETS, BOTH NORTH AND SOUTH OF O STREET, INCLUDING THE ENTIRE HILLCREST HEIGHTS SUBDIVISION AND PROPERTIES IMMEDIATELY WEST AND SOUTH OF THE SUBDIVISION - CLERK read an ordinance, introduced by Jane Raybould, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

ANNEXATION 17018 – AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 68 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN 75<sup>TH</sup> AND 84<sup>TH</sup> STREETS AND BETWEEN HIGHWAY 2 AND YANKEE HILL ROAD, SAID PROPERTIES LYING ADJACENT TO A PORTION OF PORTSCHE LANE, DUNROVIN ROAD, AND ALIMARK LANE - CLERK read an ordinance, introduced by Jane Raybould, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18028, to reflect to extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

**UPCOMING HEARINGS**

HEARING DATE OF MONDAY, NOVEMBER 20, 2017 AT 3:00 P.M. ON THE APPLICATION OF GNS CORPORATION DBA DISCOUNT CITY FOR AN ADDITION OF AN AREA MEASURING APPROXIMATELY 60' X 29' TO THEIR LICENSED PREMISE AT 5560 S. 48<sup>TH</sup> STREET - PRIOR to reading:

CAMP Moved to place item on the pending list no date certain.  
Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

**ADJOURNMENT**

**4:53 P.M.**

CAMP Moved to adjourn the City Council Meeting of November 6, 2017.  
Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

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Teresa J. Meier, City Clerk

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Monet J. McCullen, Office Specialist