

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 26, 2015 AT 5:30 P.M.**

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

Council 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 October 19, 2015, reported having done so, found same correct.

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

**PROCLAMATION - EXTRA MILE DAY
CENTER POINT WAS PRESENTED WITH AN AWARD FOR THE
WORK THAT THEY DO IN THE COMMUNITY.**

PUBLIC HEARING

APPOINTING PEGGIE A. WEATHERFORD TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A TERM EXPIRING JULY 1, 2020 - Peggy Weathford, 4241 S. 61st, Apt 507, came forward to answer questions.

Trent Fellers, Council Chair, asked Ms. Weatherford why she wanted to be on the Housing Authority Board.

Ms. Weatherford stated she is interested in the general workings of the Housing Authority, and feels she can be a big help.

Ms. Lamm asked if she had worked for Housing Authority.

Ms. Weatherford stated that she has not, but is currently trying to assist others connecting them with City Services.

This matter was taken under advisement.

APPOINTING MELISSA DIRR GENGLER TO THE HISTORIC PRESERVATION COMMISSION FOR A TERM EXPIRING APRIL 15, 2016 - Melissa Dirr Gengler, 442 S. 28th, came forward to answer questions.

Trent Fellers, Council Chair, asked Ms. Gengler why she wanted to be on the Historic Preservation Commission.

Ms. Gengler stated that Historic Preservation is her career. She is currently employed by a consulting company Historic Resources Group. Discussion followed.

This matter was taken under advisement.

APPLICATION OF TIC TOC, LLC DBA TIC TOC BAR FOR A CLASS C LIQUOR LICENSE AT 317 SOUTH 11TH STREET.

MANAGER APPLICATION OF SARENA L. FREET FOR TIC TOC, LLC DBA TIC TOC BAR AT 317 SOUTH 11TH STREET - SaRena L. Freet, 1447 A Street, Apt. 3, came forward to take the oath and request approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF GNS CORPORATION DBA CAPPY'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 20 FEET BY 40 FEET AND AN INDOOR AREA MEASURING APPROXIMATELY 85 FEET BY 85 FEET AT GALA RECEPTION HALL AT 2602 PARK BOULEVARD ON NOVEMBER 13, 2015 FROM 3:00 P.M. TO 1:00 A.M.

APPLICATION OF GNS CORPORATION DBA CAPPY'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 20 FEET BY 40 FEET AND AN INDOOR AREA MEASURING APPROXIMATELY 85 FEET BY 85 FEET AT GALA RECEPTION HALL AT 2602 PARK BOULEVARD ON NOVEMBER 28, 2015 FROM 5:00 P.M. TO 2:00 A.M.

APPLICATION OF GNS CORPORATION DBA CAPPY'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 20 FEET BY 40 FEET AND AN INDOOR AREA MEASURING APPROXIMATELY 85 FEET BY 85 FEET AT GALA RECEPTION HALL AT 2602 PARK BOULEVARD ON DECEMBER 31, 2015 FROM 5:00 P.M. TO 2:00 A.M. - John Caporale, 5560 S. 43rd, Apt.4, came forward to request approval. Discussion followed.

This matter was taken under advisement.

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APPLICATION OF DENIS VONTZ DBA HOLMES GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 3701 SOUTH 70TH STREET. (10/19/15 - P.H. & ACTION CONT'D TO 10/26/15).

MANAGER APPLICATION OF DENIS M. VONTZ FOR DENIS VONTZ DBA HOLMES GOLF COURSE AT 3701 SOUTH 70TH STREET. (10/19/15 - P.H. & ACTION CONT'D TO 10/26/15) - Denis Vontz, 8810 S. Ridge Dr., came forward to take the oath and answer question.

Jon Camp, Council Member, asked if this was temporary or was he planning to take over the license.

Mr. Vontz stated that the agreement he has with the City was temporary until the end of the year.

Discussion followed.

This matter was taken under advisement.

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE RENOVATION OF FOUR NEIGHBORHOOD PARK PLAYGROUNDS (NEIGHBORS, EASTERDAY, CRIPPLE CREEK, AND LINTEL PARKS) - Lynn Johnson, Lincoln Parks and Rec. Director, came forward to request approval on the application for grant funding to the Nebraska Game & Parks Commission. This is a \$350,000.00 dollar project and Lincoln Parks and Rec. is requesting \$150,000.00 from Nebraska Game & Parks Commission the other \$200,000.00 will be coming from the Parks and Rec. CIP. If the grant is accepted these sites become subject to Land and Water Conservation Fund Provisions, and if, in the future, there was ever a desire to sell property it would need to go through the Federal Conversion Process. They will be designing projects to meet accessibility standards.

Cyndi Lamm, Council Member, asked if there was a deadline for submitting application for the grant.

Mr. Johnson stated that the applications were due at the beginning of October.

Ms. Lamm what happens if the funds are not approved.

Mr. Johnson stated that they would go back to what City Council has already approved and that would be two play grounds.

Ms. Lamm stated she would like to see the information on what restrictions there are on the transfer of these parks. Discussion followed.

This matter was taken under advisement.

HEARING ON THE REQUEST TO TRANSFER THE CABLE TELEVISION FRANCHISE HELD BY TIME WARNER CABLE MIDWEST, LLC TO CHARTER COMMUNICATIONS, INC. - Steve Hugenberger, City Law Department, came forward and discussed the history with Telecommunications Cable Television Advisory Board, investigation and evaluation. Charter made request to transfer the control of TWC Midwest to Charter on July 2. The City has 120 days to complete its deliberations on request, the deadline is October 30. City Council needs to vote tonight, or they wave their opportunity to vote. The Telecommunications Cable Television Advisory Board had posed questions to Charter Representatives twice and had two hearings related to information that was provided. The first hearing was on October 14 and the second on October 21. At the October 14 hearing, the board recommended approval of the transfer, pending an evaluation of further information that would be provided at the October 21 hearing. On October 21, the board considered further information that was provided by Charter, as well as a variety of information from news articles and stock investing sources. A motion to deny the transfer request was made, the motion failed 3 to 6, no further motion was made, and the earlier recommendation for approval was then adopted. The recommendation to approve the transfer included the conditions that were attached to the Comcast Request, which was previously approved by the City Council. The conditions for the substitute resolution, were listed on the initial resolution. Further negotiation after the October 21 hearing regarding conditions are listed in the substitute resolution and motion to amend #2. A Redline version of the resolution was given to Council Members, and a copy was placed on file in City Clerk's Office. Mr. Hugenberger then went over Redline version of the resolution with Council Members.

Mr. Hugenberger stated there were four practices that were added to the Charter agreement. Charter would not agree to guarantee these practices and stated that they had no intention on discontinuing those practices. They are:

1. That Time Warner Cable would continue to provide whatever additional equipment was required for government offices to view the channels at no cost.

2. That Time Warner has agreed to provide free basic tier service to any County and City Government office in the City of Lincoln. The agreement was that whatever government offices are getting service will continue to receive that service, from that point forward only City offices could be added.

3. That Time Warner Cable has allowed the Health channel to operate as a government access channel and that they would continue to allow without objection.

4. That Time Warner had chosen to re-frame from objecting to the franchise that was granted to Windstream. There was aspects that they talked sternly about and there was never an actual waver he (Mr. Hugenberger) was trying to preserve that.

Mr. Hugenberger stated that while we did not get an express agreement on those issues, Charter has indicated they have no intention of changing those interpretations or practices at this point.

Jon Camp, Council Member, asked why the language needed to be added in if they are doing this.

Mr. Hugenberger stated that because these items were not included in any franchise document, memorandum of understanding or LMC, he was wanting to preserve those practices without inclusion in

those documents. Mr. Hugenburger stated that Charter made the point that they only have to agree to the things that are in the franchise.

Jane Raybould, Council Member, asked if he felt comfortable with this agreement without having these practices in writing.

Mr. Hugenburger stated that he would not say he was comfortable going forward without the language, but he has what he was able to get. Discussion followed.

Gary Underwood, Fort Worth, Texas, Regional Senior Director of Government Affairs of Charter Communications, came forward to discuss combining three companies TWC, Charter Communications, and Bright House Network to be called New Charter Cable. Within 30 months of the close of this transaction Charter plans to take Lincoln all digital. More HD channels will be added. We have a minimum of 200 HD channels across our entire National footprint. The price for the bundle of the three is \$89.00. They will be introducing a low income broadband service that will be introduced across their entire footprint within 30 months of the close of the transaction. They are also investing \$2.5 Billion dollars across the new footprint area in downtown commercial areas and other commercial areas to improve broadband and video services that exist in that new footprint.

Roy Christensen, Council Member, asked if this agreement was just for video and not internet and phone.

Mr. Underwood stated that this agreement is just video, but that they offer internet and phone service also, and they are not regulated by the City.

Cyndi Lamm, Council Member, stated that New Charter will be a combination of the three companies, and there is no change to the contract that was signed in 2003, correct.

Mr. Underwood stated every document that has been signed, the franchise agreement, plus the MOU (Memorandum of Understanding) we are accepting and not disputing that. We will live up to the terms and conditions in those two documents that TWC currently has.

Mr. Camp stated in about the 2020 end date of the current agreement, while there are extension rights that there will be renegotiations in two years 2017. So, basically, when we finish this agreement we will be back at the table discussing things.

Mr. Underwood stated that is correct. There is a window called a 626 notification that New Charter would make, and we would have three years out from the expiration, we use that time to renegotiate the franchise.

Mr. Camp inquired if Charter will be working diligently to show Lincoln it can perform well.

Mr. Underwood, stated absolutely, this is a very large very important system to the current company and it will be to the new company. Discussion followed.

Bill Austin, attorney with, Bailor, Evnen, Curtiss, Gritmit & Witt, L.L.P., 1248 O Street, came forward for TWC in this matter, and stated that TWC does hope that you will agree to the transfer. Discussion followed.

This matter was taken under advisement

TEXT AMENDMENT 15020 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN ZONING ORDINANCE BY AMENDING SECTIONS 27.67.040(Y) AND 27.67.100(C) TO ALLOW UNPAVED PARKING FOR GREENHOUSES AND GARDEN CENTERS IN THE AG ZONING DISTRICT - Vicki Vandernick, 3620 Otto St, came forward on this matter and stated that currently this area is a rocked area. They maintain this area for truck deliveries and public parking and would like to continue doing so. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND HEWLETT PACKARD ENTERPRISE COMPANY FOR COMPUTER EQUIPMENT (SERVERS AND STORAGE), PERIPHERALS, AND RELATED SERVICES, PURSUANT TO MINNESOTA NASPO VALUEPOINT MASTER AGREEMENT MNNVP-134 AND MNWNC-115, FOR A TERM OF OCTOBER 1, 2015 THROUGH MARCH 31, 2017 IN THE AMOUNT OF \$360,000.00 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89301

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

That the attached Contract between the City of Lincoln and Hewlett Packard Enterprise Company for Computer Equipment (Servers and Storage), Peripherals, and Related Services, pursuant to Minnesota NASPO ValuePoint Master Agreement MNNVP-134 and MNWNC-115, for a term of October 1, 2015 through March 31, 2017 in the amount of \$360,000.00, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Roy Christensen

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

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APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND HEWLETT PACKARD COMPANY FOR COMPUTER EQUIPMENT (DESKTOPS, LAPTOPS, AND TABLETS), PERIPHERALS, AND RELATED SERVICES, PURSUANT TO MINNESOTA NASPO VALUEPOINT MASTER AGREEMENT MNNVP-133 AND MNWNC-115, FOR A TERM OF OCTOBER 1, 2015 THROUGH MARCH 31, 2017 IN THE AMOUNT OF \$450,000.00 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89302 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract between the City of Lincoln and Hewlett Packard Company for Computer Equipment (Desktops, Laptops, and Tablets), Peripherals, and Related Services, pursuant to Minnesota NASPO ValuePoint Master Agreement MNNVP-133 and MNWNC-115, for a term of October 1, 2015 through March 31, 2017 in the amount of \$450,000.00, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Roy Christensen

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

APPOINTING PEGGIE A. WEATHERFORD TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A TERM EXPIRING JULY 1, 2020 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89303 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Peggie A. Weatherford to the Lincoln Housing Authority Board for a term expiring July 1, 2020, is hereby approved.

Introduced by Roy Christensen

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

APPOINTING TOM RANDA TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2016.2020. (Request to continue P.H. & Action to 11/2/15)(ACTION DELAYED ONE WEEK TO 11/02/15, 7-0) - PRIOR to reading:

CAMP Moved to delay action on Bill 15R-216 for one week until 11/02/15.

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

APPOINTING MELISSA DIRR GENGLER TO THE HISTORIC PRESERVATION COMMISSION FOR A TERM EXPIRING APRIL 15, 2016 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89304 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Melissa Dirr Gengler to the Historic Preservation Commission for a term expiring April 15, 2016, is hereby approved.

Introduced by Roy Christensen

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

REAPPOINTING AMRITA MAHAPATRA TO THE MAYOR'S MULTICULTURAL ADVISORY COMMITTEE FOR A TERM EXPIRING SEPTEMBER 18, 2018 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89305 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Amrita Mahapatra to the Mayor's Multicultural Advisory Committee for a term expiring September 18, 2018, is hereby approved.

Introduced by Roy Christensen

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

REPORT FROM LINCOLN ELECTRIC SYSTEM FINANCIAL AND OPERATING STATEMENT SEPTEMBER 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTH OF AUGUST 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTH OF AUGUST 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 15104 TO PRELIMINARY PLAT #14001, MUELLER ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON OCTOBER 14, 2015, REQUESTED BY REGA ENGINEERING, TO CLARIFY HOW STRUCTURES ARE ALLOWED INSIDE THE TRANSITIONAL SLOPE LINE, GENERALLY LOCATED AT S. 73RD STREET AND ROCA ROAD.

ADMINISTRATIVE AMENDMENT NO. 15106 TO STONE BRIDGE CREEK 13TH ADDITION FINAL PLAT, APPROVED BY THE ACTING PLANNING DIRECTOR ON OCTOBER 19, 2015, REQUESTED BY ENGINEERING DESIGN CONSULTANTS, TO ACCEPT THE AFFIDAVIT OF SURVEYOR TO CORRECT TYPOGRAPHICAL ERRORS ON THE FINAL PLAT, GENERALLY LOCATED AT N. 14TH STREET AND PENNSYLVANIA AVENUE.

REFERRED TO THE PLANNING DEPT.

CHANGE OF ZONE NO. 15028, SHADOW CREEK PLANNED UNIT DEVELOPMENT, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 PLANNED UNIT DEVELOPMENT DISTRICT THAT WILL INCLUDE R-3, R-5 AND B-2 USES, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS, ON PROPERTY LEGALLY DESCRIBED AS LOT 9, 28, AND 34, I.T., AND PART OF LOT C, LOCATED IN THE NW 1/4 OF SECTION OF 26-10-7, LANCASTER COUNTY, NEBRASKA, GENERALLY LOCATED AT SOUTH 90TH STREET AND O STREET.

SPECIAL PERMIT NO. 15064, TO ALLOW AVALON EVENT PARADISE, A PRIVATE PROPERTY, TO BE USED FOR SPECIAL EVENTS SUCH AS WEDDINGS AND FAMILY REUNIONS, INCLUDING A REQUEST TO WAIVE THE REQUIREMENT THAT PARKING LOTS BE GRAVEL, AND WAIVE THE REQUIREMENT THAT PARKING AND OTHER RELATED BUSINESS AREAS NOT EXCEED 15,000 SQUARE FEET, ON PROPERTY LEGALLY DESCRIBED AS LOT 27, LOCATED IN THE SW 1/4 OF SECTION 17-8-5, LANCASTER COUNTY, NEBRASKA, GENERALLY LOCATED AT 12788 WEST ROCA ROAD.

SPECIAL PERMIT NO. 15065, TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES, ON PROPERTY LEGALLY DESCRIBED AS LOT 3, SALT CREEK CENTER 4TH ADDITION, LOCATED IN THE NW 1/4 OF SECTION 31-11-7, LINCOLN, LANCASTER COUNTY, NEBRASKA, GENERALLY LOCATED AT 7353 HUSKER CIRCLE. THE PLANNING COMMISSION ACTION IS FINAL, UNLESS APPEALED TO THE CITY COUNCIL.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 2, 2015, AT 3:00 P.M. ON THE MANAGER APPLICATION OF SHANE T. BAUER FOR GRANITE CITY FOOD & BREWERY AT 6150 O STREET - CLERK read the following resolution introduced by, Carl Eskridge, who moved its adoption:

A-89306 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 2, 2015, 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 Shane T. Bauer for Granite City Food & Brewery at 6150 O Street.

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 2, 2015, AT 3:00 P.M. ON THE MANAGER APPLICATION OF MATT J. KEMPSTON FOR SUPER SAVER #9 AT 2662 CORNHUSKER HIGHWAY - CLERK read the following resolution introduced by, Carl Eskridge, who moved its adoption:

A-89037 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 2, 2015, 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 Matt J. Kempston for Super Saver #9 at 2662 Cornhusker Highway.

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 2, 2015, AT 3:00 P.M. ON THE MANAGER APPLICATION OF TANA VANARSDALE FOR SUPER SAVER #17 AT 2525 PINE LAKE ROAD - CLERK read the following resolution introduced by, Carl Eskridge, who moved its adoption:

A-89308 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 2, 2015, 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 Tana VanArsdale for Super Saver #17 at 2525 Pine Lake Road.

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

Introduced by Carl Eskridge

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

MISCELLANEOUS REFERRALS

ASSESSMENT RESOLUTION FOR DOWNTOWN CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 16, 2015, AT 3:00 P.M. - CLERK read the following resolution introduced by, Carl Eskridge, who moved its adoption:

A-89309

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

That the cost of providing for the development of public activities and the promotion of public events in the Core Business Improvement District Overlay including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Core Business Improvement District Overlay", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$179,956.67; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Core Business Improvement District Overlay.

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

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 16 day of November, 2015, at 3 p. m., and on the day of , 2015, at m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Carl Eskridge

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

ASSESSMENT RESOLUTION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 16, 2015, AT 3:00 P.M. - CLERK read the following resolution introduced by, Carl Eskridge, who moved its adoption:

A-89310

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Business Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Business Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$317,394.44; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Business Improvement District.

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

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 16 day of November, 2015, at 3 p. m., and on the ____ day of _____, 2015, at ____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Carl Eskridge

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

ASSESSMENT RESOLUTION FOR DOWNTOWN MAINTENANCE BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 16, 2015, AT 3:00 P.M. - CLERK read the following resolution introduced by, Carl Eskridge, who moved its adoption:

A-89311 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Maintenance Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Maintenance Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$235,599.00 that the property set forth in the proposed Distribution of Assessment is specially benefited by such activities and improvement; that each piece and parcel of property described is specially benefited in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Maintenance Improvement District.

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

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 16 day of November, 2015, at 3 p. m., and on the ____ day of _____, 2015, at ____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Carl Eskridge

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

ASSESSMENT RESOLUTION FOR WEST HAYMARKET/DOWNTOWN MAINTENANCE IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 16, 2015, AT 3:00 P.M. - CLERK read the following resolution introduced by, Carl Eskridge, who moved its adoption:

A-89312 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the Maintenance Work pursuant to Ordinance No. 19981 in the West Haymarket/Downtown Maintenance Business Improvement District including:

- a. Litter pick up from the sidewalks, planting areas, and beautification areas within the public right-of-way;
- b. Care and maintenance of all ornamental/small trees, shrubbery, and other plantings, but not including major street trees, which maintenance shall include watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings;
- c. Maintenance of public sidewalks, which maintenance shall include periodic cleaning and sweeping of sidewalks to remove litter, dirt, liquid spills, food residue, and stains and bird droppings [such cleaning shall be by washing down where water is available]; and
- d. Snow removal from sidewalks located at intersections and handicapped ramps in high traffic areas, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the West Haymarket/Downtown Maintenance Business Improvement District", and made a part hereof; that the cost of said maintenance activities is the sum of \$55,726.00 that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the West .

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this

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resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 16 day of November, 2015, at 3 p. m., and on the ____ day of _____, 2015, at ___m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Carl Eskridge

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

ASSESSMENT RESOLUTION FOR WEST HAYMARKET/DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 16, 2015, AT 3:00 P.M. - CLERK read the following resolution introduced by, Carl Eskridge, who moved its adoption:

A-89313 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the Core Management Work pursuant to Ordinance No. 19983 in the West Haymarket/Downtown Core Management Business Improvement District including:

- a. Planning and feasibility studies for civic projects and improvements, including projects identified in the 2005 Downtown Master Plan (including the 2012 Downtown Master Plan Update) that are located within the District;
- b. Capital costs of holiday decorations;
- c. Banners, lighting and other signage to create a core district identity;
- d. Enhanced maintenance and landscaping services;
- e. Cosmetic capital improvements, including streetscape design plans, landscaping, lighting, and sidewalk improvements;
- f. Public art;
- g. Tourism and visitor information services and promotions that benefit downtown hotels and the hospitality segment;
- h. Retail promotions to support shopping activity;
- i. Event management support and seed funds for new special events;
- j. Street furniture, including kiosks and benches;
- k. Other promotions and improvements within the West Haymarket/Downtown Core BID;

and

l. Staff support to support promotions and improvements within the West Haymarket/Downtown Core BID.

be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the West Haymarket/Downtown Core Management Business Improvement District," and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$68,241.12; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and promotions; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and promotions; that the cost of said activities and promotions is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the West Haymarket/Downtown Core Management Business Improvement District.

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

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 16 day of November, 2015, at 3 p. m., and on the ____ day of _____, 2015, at ___m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Carl Eskridge

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

ASSESSMENT RESOLUTION FOR WEST HAYMARKET/DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 16, 2015, AT 3:00 P.M. - CLERK read the following resolution introduced by, Carl Eskridge, who moved its adoption:

A-89314 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the Management Work pursuant to Ordinance No. 19982 in the West Haymarket/Downtown Management Business Improvement District including:

- a. Economic development activities to improve the business climate of downtown with the goal of attracting and retaining businesses, jobs, and investment;
- b. Parking and transportation initiatives to make it easier for customers, employees and visitors to park in and get around the downtown;

c. Supporting communications and advocacy efforts by the Downtown Lincoln Association to champion downtown interests and involve property owners, businesses and residents in crafting proactive solutions to issues that affect West Haymarket/Downtown Management BID Boundary Area; and

d. Supporting Downtown Lincoln Association professional staff that delivers programs and advocates on behalf of the West Haymarket/Downtown Management BID. Assist West Haymarket/Downtown Management BID property owners to project a unified voice and elevate their influence in policies and issues that affect the West Haymarket/Downtown Management BID business district. Funds are allocated to office and support services such as bookkeeping, office rent, insurance, office equipment and professional development and training for the staff and Downtown Lincoln Association board,

be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the West Haymarket/Downtown Management Business Improvement District," and made a part hereof; that the cost of said public activities is the sum of \$55,941.14; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities; that the cost of said activities is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the West Haymarket/Downtown Management Business Improvement District.

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

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 16 day of November, 2015, at 3 p. m., and on the ____ day of _____, 2015, at ____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Carl Eskridge

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

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY TO BE HELD ON MONDAY, NOVEMBER 16, 2015 AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT TO BE HELD ON MONDAY, NOVEMBER 16, 2015 AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR DOWNTOWN MAINTENANCE BUSINESS IMPROVEMENT DISTRICT TO BE HELD ON MONDAY, NOVEMBER 16, 2015 AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR WEST HAYMARKET/DOWNTOWN MAINTENANCE IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 16, 2015, AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR WEST HAYMARKET/DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 16, 2015, AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR WEST HAYMARKET/DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 16, 2015, AT 3:00 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

LIQUOR RESOLUTIONS

APPLICATION OF TIC TOC, LLC DBA TIC TOC BAR FOR A CLASS C LIQUOR LICENSE AT 317 SOUTH 11TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption for approval:

A-89315 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 26, 2015, 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 App. of Tic Toc Bar, LLC dba Tic Toc Bar for a Class C Liquor License located at 317 S. 11th St.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF SARENA L. FREET FOR TIC TOC, LLC DBA TIC TOC BAR AT 317 SOUTH 11TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption for approval:

A-89316 WHEREAS, Tic Toc, LLC dba Tic Toc Bar located at 317 South 11th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that SaRena L. Freet be named manager;

WHEREAS, SaRena L. Freet appears to be a fit and proper person to manage said business.

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

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

Introduced by Jon Camp

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

APPLICATION OF GNS CORPORATION DBA CAPPY'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 20 FEET BY 40 FEET AND AN INDOOR AREA MEASURING APPROXIMATELY 85 FEET BY 85 FEET AT GALA RECEPTION HALL AT 2602 PARK BOULEVARD ON NOVEMBER 13, 2015 FROM 3:00 P.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption for approval:

A-89317 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of GNS Corporation dba Cappy's for a special designated license to cover an outdoor area measuring approximately 20 feet by 40 feet and an indoor area measuring approximately 85 feet by 85 feet at Gala Reception Hall at 2602 Park Boulevard, Lincoln, Nebraska, on November 13, 2015, between the hours of 3:00 p.m. and 1:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

Introduced by Jon Camp

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

APPLICATION OF GNS CORPORATION DBA CAPPY'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 20 FEET BY 40 FEET AND AN INDOOR AREA MEASURING APPROXIMATELY 85 FEET BY 85 FEET AT GALA RECEPTION HALL AT 2602 PARK BOULEVARD ON NOVEMBER 28, 2015 FROM 5:00 P.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption for approval:

A-89318 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of GNS Corporation dba Cappy's for a special designated license to cover an outdoor area measuring approximately 20 feet by 40 feet and an indoor area measuring approximately 85 feet by 85 feet at Gala Reception Hall at 2602 Park Boulevard, Lincoln, Nebraska, on November 28, 2015, between the hours of 5:00 p.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

Introduced by Jon Camp

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

APPLICATION OF GNS CORPORATION DBA CAPPY'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 20 FEET BY 40 FEET AND AN INDOOR AREA MEASURING APPROXIMATELY 85 FEET BY 85 FEET AT GALA RECEPTION HALL AT 2602 PARK BOULEVARD ON DECEMBER 31, 2015 FROM 5:00 P.M. TO 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption for approval:

A-89319 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of GNS Corporation dba Cappy's for a special designated license to cover an outdoor area measuring approximately 20 feet by 40 feet and an indoor area measuring approximately 85 feet by 85 feet at Gala Reception Hall at 2602 Park Boulevard, Lincoln, Nebraska, on December 31, 2015, between the hours of 5:00 p.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

Introduced by Jon Camp

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

APPLICATION OF DENIS VONTZ DBA HOLMES GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 3701 SOUTH 70TH STREET. (10/19/15 - P.H. & ACTION CONT'D TO 10/26/15) - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption for approval:

A-89320 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Denis Vontz dba Holmes Golf Course for a Class "C" liquor license at 3701 South 70th Street, Lincoln, Nebraska, for the license period ending October 31, 2015, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF DENIS M. VONTZ FOR DENIS VONTZ DBA HOLMES GOLF COURSE AT 3701 SOUTH 70TH STREET. (10/19/15 - P.H. & ACTION CONT'D TO 10/26/15) - CLERK read the following resolution, introduced by Jon Camp, who moved for its adoption for approval:

A-89321 WHEREAS, Denis Vontz dba Holmes Golf Course located at 3701 South 70th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Denis M. Vontz be named manager;

WHEREAS, Denis M. Vontz appears to be a fit and proper person to manage said business.

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

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

Introduced by Jon Camp

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

PUBLIC HEARING - RESOLUTIONS

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE RENOVATION OF FOUR NEIGHBORHOOD PARK PLAYGROUNDS (NEIGHBORS, EASTERDAY, CRIPPLE CREEK, AND LINTEL PARKS) (10/5/15 - INTRODUCTION DELAYED TO 10/19/15) - PRIOR to reading:

LAMM Moved to delay action on Bill 15R-211 for one week until 11/02/15.
Seconded by Camp and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1-15, 2015 - PRIOR to reading:

CAMP Moved to amend Bill 15R-219 in the following manner:
The following claim should be added to the list of DENIED CLAIMS: Duane & Terri Hansen Unspecified Amount.
Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Roy Christensen, who moved for its adoption for approval:

A-89322 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the claims listed in the attached report, marked as Exhibit "A", dated October 15, 2015, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Tom Kolbe & Laura Salem	\$2,300.00	Ronald Zelt	\$ 950.00
Scott Eckman	542.92	Burkholder Project	6,478.71
Farmers Insurance a/s/o Todd Kelly	1,491.53	Black Hills Energy	1,899.06
		David Hepp	112.83

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Roy Christensen

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

HEARING ON THE REQUEST TO TRANSFER THE CABLE TELEVISION FRANCHISE HELD BY TIME WARNER CABLE MIDWEST, LLC TO CHARTER COMMUNICATIONS, INC. - PRIOR to reading:

CHRISTENSEN Moved to amend Bill 15R-221 to accept a substitute Resolution No. 15R-221S2 attached hereto:
Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Roy Christensen, who moved for its adoption for approval:

A-89323 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 May 23, 2015, Time Warner Cable, Charter Communications, Inc., CCH I, LLC ("New Charter"), Liberty Broadband Corporation, and Advance/Newhouse Partnership (the owner of Bright House Networks), entered into agreements, pursuant to which the resultant entity will assume the name of Charter Communications, Inc. (Charter) and control of the Franchisee will transfer to Charter (the "Transaction"); and

WHEREAS, Franchisee now seeks the Franchise Authority's 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 Franchisee'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 Franchisee 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, 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 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, 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, arising before the date of consummation of the proposed Transaction;

e. Charter Communications Operating, LLC, 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 upon closing of the Transaction: (i) the Franchisee will at all times comply with the Franchise and applicable regulations, codes, standards and decisions; and (ii) it will be fully liable and/or responsible for any and all past, present and future financial obligations under the Franchise in the same capacity as the Franchisee;

f. Charter, 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 following the close of the Transaction 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, decisions;

g. Charter, 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 this transfer resolution specifying that the closing of the Transaction shall not result in or cause directly any increase on any of the rates of the Lincoln cable system;

h. By accepting this consent resolution, the Franchisee and Charter commit that Franchisee will abide by all terms of the Franchise and applicable laws, regulations, codes, standards, and decisions after the close of 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;

i. Charter 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.

j. Charter 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 October 26, 2015, 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 following consummation of the Transaction.

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

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

Introduced by Roy Christensen

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

TEXT AMENDMENT 15020 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN ZONING ORDINANCE BY AMENDING SECTIONS 27.67.040(Y) AND 27.67.100(C) TO ALLOW UNPAVED PARKING FOR GREENHOUSES AND GARDEN CENTERS IN THE AG ZONING DISTRICT - CLERK read an ordinance, introduced by Roy Christensen, amending Chapter 27.67 of the Lincoln Municipal Code relating to Parking by amending subsection (y) of Section 27.67.040 to provide that parking for greenhouses and garden centers located in the AG zoning district may be provided on unpaved areas, except for ADA accessible stalls; amending subsection (c) of Section 27.67.100 to provide that parking lots may be provided on unpaved areas in the AG zoning district where specifically authorized under the special parking requirements in Section 27.67.040; and repealing Sections 27.67.040 and 27.67.100 of the Lincoln Municipal Code as hitherto existing, the second time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

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 "DENTAL HYGIENIST SUPERVISOR." (10/5/15 - PUBLIC HEARING DELAYED TO 10/19/15) - CLERK read an ordinance, introduced by Cyndi Lamm, amending Ordinance

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No. 20229 passed August 10, 2015, 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 "Dental Hygienist Supervisor." Section 1. That the following pay schedule is hereby established as supplementary to the August 13, 2015 pay schedule of the City of Lincoln as set forth in Section 1 of Ordinance No. 20229 passed August 10, 2015: Class Code Class Title Pay Range 3615 Dental Hygienist Supervisor (A14) \$59,009.60 - \$78,707.20, the third time.

LAMM Moved to pass the ordinance as read.
Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.
The ordinance, being numbered **#20260**, is recorded in Ordinance Book 29.

**AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE VICTORY PARK - VA
CAMPUS PROJECT - PRIOR to reading:**

CAMP Moved to amend Bill 15-119 in the following manner:
I hereby move to amend Bill No. 15-119, authorizing the issuance of tax allocation bonds, as follows: Revise Section 2.1 - Definitions of Special Terms on page 4 of Bill No. 15-119 by substituting the following definitions of "Redeveloper Public Improvements and "Redevelopment Agreement" for the existing definitions of Redeveloper Public Improvements and Redevelopment Agreement: "Redeveloper Public Improvements" means the improvements to be purchased, constructed, reconstructed, acquired, improved, extended, rehabilitated, installed, equipped, furnished and completed in the Redevelopment Project Area in accordance with the Redevelopment Plan and identified as Site Preparation, Public Infrastructure Public Enhancements (each as defined in the Redevelopment Agreement) and rehabilitation of historic buildings to be used for commercial and residential purposes throughout the Project Area. "Redevelopment Agreement" means the City of Lincoln, Nebraska Redevelopment Agreement (Victory Park-VA Campus), dated the date of its execution, among the City, Seniors Foundation VA Vision, LLC, a Nebraska limited liability company, and Victory Park, LLC, a Nebraska limited liability company, relating to the Project, and shall include any amendments of such Redevelopment Agreement hereafter made by the City pursuant to law.

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

CLERK Read the following ordinance, introduced by Jon Camp, who moved for its adoption for approval: 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 \$7,133,551 for the purpose of: (1) paying the cost of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's VA Campus redevelopment project area, including acquiring any real estate and/or interest 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 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.

CAMP Moved to pass the ordinance as amended.
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.
The ordinance, being numbered **#20261**, is recorded in Ordinance Book 29.

**CREATING SPECIAL ASSESSMENT SEWER DISTRICT NO. 1188 FOR THE PURPOSE OF
CONSTRUCTING A SEWER DISTRICT TO REPLACE A FAILING LIFT STATION, IN THE
CALVERT STREET RIGHT-OF-WAY FROM SOUTH 6TH STREET TO THE WEST
APPROXIMATELY 500 FEET, AND ASSESSING THE COSTS THEREOF AGAINST THE
BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Jon Camp, creating Sewer District
No. 1188, designating the real estate to be benefitted, providing for assessment of the cost of the
improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if
necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.**

CAMP Moved to pass the ordinance as read.
Seconded by Raybould and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.
The ordinance, being numbered **#20262**, is recorded in Ordinance Book 29.

RESOLUTIONS - 1ST READING

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY KEN SEMLER TO CONSTRUCT STEPS AT EXISTING EXIT TO ACCESS 2ND FLOOR APARTMENT AT 303 SOUTH 11TH STREET.

APPROVING AND ADOPTING THE LOWER PLATTE SOUTH NRD MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN FOR ELIGIBILITY OF FEDERAL DISASTER MITIGATION FUNDS.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

ANNEXATION 15009 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.02 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ALVO ROAD - CLERK read an ordinance, an ordinance 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.

CHANGE OF ZONE 15026 - APPLICATION OF ROGER H. SCHWISOW REVOCABLE TRUST FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ALVO ROAD - CLERK read an ordinance, an ordinance 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, for the first time.

AMENDING CHAPTER 2.06 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE MAYOR'S AUTHORITY TO EXECUTE CONTRACTS BY ADDING A NEW SECTION NUMBERED 2.06.120 REQUIRING COUNCIL APPROVAL OF NON-BID CONTRACTS ABOVE \$50,000.00 - CLERK read an ordinance, an ordinance amending chapter 2.06 of the Lincoln Municipal Code relating to the Mayor's Authority to execute contracts by adding a new section numbered 2.06.120 requiring Council approval of non-bid contracts above \$50,000.00, for the first time.

RECONSIDERATION

APPLICATION OF MVPZ AND ME - LINCOLN, LLC DBA BURGERFI FOR A CLASS I LIQUOR LICENSE AND A CLASS E ENTERTAINMENT DISTRICT LIQUOR LICENSE AT 300 CANOPY STREET, SUITE 150:

GAYLOR BAIRD Motion to reconsider this application to have action on 11/02/15.

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

OPEN MICROPHONE

Jane Svaboda, no address given, came forward with comments on various issues.
This matter was taken under advisement.

ADJOURNMENT

7:11 P.M.

CHRISTENSEN Moved to adjourn the City Council Meeting of October 26, 2015.

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

Teresa J. Meier, City Clerk

Rhonda Bice, Office Specialist

**REGULAR MEETING
OCTOBER 26, 2015
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