The Meeting was called to order at 3:00 p.m. Present: Council Chair Spatz; Council Members: Cook, Emery, Hornung, Snyder; City Clerk, Joan E. Ross. Absent: Camp, Carroll.

Council Chair Spatz 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**

**PUBLIC HEARING**

APPROVING THE APPOINTMENT OF JUDY HALSTEAD AS DIRECTOR OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT EFFECTIVE OCTOBER 23, 2010 - Judy Halstead, Health Department, came forward to be confirmed as Director and answer any questions. Council expressed words in support of her appointment. Members noted her attentiveness in minor agreements as well as her proven leadership in major projects.

This matter was taken under advisement.

APPEAL OF RAMONA FARRINGTON RELATING TO THE DELINQUENT INTEREST ASSESSED AGAINST THE PROPERTY DESCRIBED AS 2800 S. 42ND STREET BY AUTHORITY OF RESOLUTION NO. A-84167 ADOPTED ON DECEMBER 18, 2006 (SIDEWALK DISTRICT NO. 94) - Allen Farrington, address not given, came forward representing his daughter, Ramona Farrington, appellant. He said while living in New York, Ms. Farrington purchased the home for her disabled mother but never directed a change of address for any City correspondence; henceforth, annual notices were not forwarded to the daughter’s address. Mr. Farrington said that payments toward the reduction of the assessment have been made since April 2010, so on behalf of his daughter, he requested that the interest be removed.

Chris Connolly, Asst. City Attorney, came forward to answer questions. As far as the Law Department is concerned, he said the only interest that could possibly be waived is the delinquent interest, which is the higher rate. Mr. Connolly said bond interest should not be waived because that money belongs to the bond holders. He explained to Council that good notice was given to the proper party at the proper time and no parties took advantage of the opportunity to object. He acknowledged Ms. Farrington’s reduction of debt but advised Council to take up the motion to decline to waive the interest.

Mr. Farrington came forward in rebuttal. He responded to Council questions and said he has no proof that a notice wasn’t sent to the Lincoln address in 2006 but that his daughter was shocked when she was made aware of the delinquency this year.

This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND ENTERPRISE COMPANY, INC. FOR THE LEASE OF OFFICE SPACE AT 2662 CORNHUSKER HIGHWAY FOR THE HEALTH DEPARTMENT’S WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM FOR A THREE YEAR TERM;

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE LINCOLN MEDICAL EDUCATION PARTNERSHIP FOR THE LEASE OF OFFICE SPACE AT 4600 VALLEY ROAD FOR THE HEALTH DEPARTMENT’S WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM FOR A FOUR YEAR TERM - Judy Halstead, Director of Health Department, came forward to state both programs are federally funded with USDA dollars for the lease of space in return for providing services at various locations in the community. She said both lease provisions allow for flexibility of the situation. Ms. Halstead said that if funding goes away, the lease becomes null & void; therefore, the City will not be obligated.

This matter was taken under advisement.
APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS COMPLYING WITH THE NATIONAL BRIDGE INSPECTION STANDARDS - Thomas Shafer, Public Works & Utilities Design/Construction Manager, came forward to introduce Federal & State representatives to answer any important questions regarding the National Bridge Inspection Standard (NBIS).

Joe Werning, Division Administrator for the Federal Highway Administration, came forward to state that the standards for bridge inspection have been in place since 1970; they apply to all public highway structures of 20 feet or greater in length; stipulations determine receipt of federal aid highway funds; NDOR, as grantee of funds, have primary responsibility for NBIS compliance. Mr. Werning said the intent behind the agreement is to acknowledge the state/local responsibilities under the national bridge inspection program.

Mark J. Traynowicz, Nebraska Department of Roads, State Bridge Engineer, came forward to express appreciation to Mr. Shafer and his staff for their great bridge inspections & NBIS activities throughout the City. He recounted history which lead up to the creation of the uniform guideline of the NBIS following a bridge collapse over the Ohio River in December 1967. He reported that the NBIS has an inventory of over 600,000 bridges in the nation with over 15,500 in Nebraska; he said that a bridge 20 feet in length on a public road must be inspected every 24 months. Mr. Traynowicz said fracture critical refers to a structure that must be built, such as the truss bridge in south Omaha spanning 600 feet over the Missouri River. As such, if one element of that structure fails, the entire bridge could fail. A 2005 revision requires qualified inspectors to be certified every five years & to take refresher courses every few years. In response to Council questions, he said pedestrian bridges are neither addressed by the NBIS nor regulated by the state.

Mr. Shafer came forward to respond to Council Member Snyder's concerns about the closing of three pedestrian bridges in the last couple of months and if there are any state/federal regulations regarding those. He said certified inspectors in the Public Works Department used their learned principles in coordination with outside consultants to inspect those bridges & determine their unsafe status. Mr. Shafer happily reported that today, the pedestrian bridge over 18th & Holdrege was set in place and, weather permitting, he expected bicycle passage by Thanksgiving.

This matter was taken under advisement.

APPROVING THE RENEWAL OF AGREEMENTS BETWEEN LANCASTER COUNTY AND THE CITY OF LINCOLN AND AOI CORPORATION, OFFICE INTERIORS & DESIGN, INC., SPACES, INC., SHEPPARD'S BUSINESS INTERIORS, AND ALL MAKES OFFICE EQUIPMENT COMPANY FOR ANNUAL OFFICE SEATING REQUIREMENTS - Vince Mejer, Purchasing Department, came forward asking Council to withdraw this item as it was brought forward in error.

This matter was taken under advisement.

APPROVING A MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY AND BNSF TO PROVIDE FOR A LAND EXCHANGE NEEDED TO CREATE THE NEW BNSF RAIL CORRIDOR AND THE SITE FOR THE WEST HAYMARKET PROJECT IMPROVEMENTS; TO PROVIDE FOR THE REMOVAL OF BNSF IMPROVEMENTS ON THE PROPERTY TO BE ACQUIRED BY THE CITY FROM BNSF; TO PROVIDE FOR BNSF’S CONSTRUCTION OF REPLACEMENT TRACKS AND RELATED IMPROVEMENTS; AND TO PROVIDE FOR BNSF’S GRANTING OF CERTAIN LICENSE AND EASEMENT RIGHTS TO THE CITY FOR RIGHT OF ENTRY WORK RELATED TO THE WEST HAYMARKET PROJECT IMPROVEMENTS; APPROVING A LAND EXCHANGE AGREEMENT BETWEEN THE CITY AND BNSF FOR ACQUISITION OF PROPERTY FOR THE WEST HAYMARKET PROJECT; APPROVING A CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN THE CITY AND BNSF TO PROVIDE FOR TERMS AND CONDITIONS REGARDING CONSTRUCTION OF THE CITY’S RIGHTS OF ENTRY WORK UNDER THE MASTER DEVELOPMENT AGREEMENT FOR THE WEST HAYMARKET PROJECT; APPROVING A THIRD ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY AND THE WEST HAYMARKET JOINT PUBLIC AGENCY TO PROVIDE FOR THE CITY’S ASSIGNMENT OF ITS RIGHTS, INTERESTS, DUTIES AND OBLIGATIONS UNDER THE MASTER DEVELOPMENT AGREEMENT, LAND EXCHANGE AGREEMENT AND CONSTRUCTION AND MAINTENANCE AGREEMENT FOR THE WEST HAYMARKET PROJECT TO THE WEST HAYMARKET JOINT PUBLIC AGENCY - Rod M. Confer, City Attorney, came forward presenting agreements which describe general responsibilities of both parties for the exchange of land, moving the railroad to the west and exchanging properties for the West Haymarket Project to be developed. He said if Council approves these agreements today, they will go before the West Haymarket JPA tomorrow for acceptance and approval. Mr. Confer said BNSF is looking to close in the next week or so; therefore, construction can begin yet this year in order to meet the 2013 completion date.
Rick Peo, Law Department, came forward to answer Council questions about costs. He said $1 million is for the purchase of the land; $44 million to get BNSF to their new site; and $1.2 million or more for contract activities, totaling over $46 million. He reported that since the original drafts were submitted, changes identified responsibility of parties & notification of events; there was a renegotiation of insurance requirements; and a work/clean-up plan which resolved outstanding environmental issues. Mr. Peo explained the non-typical, complicated contracts needed in which to build an arena on BNSF property. As BNSF was operating adequately and efficiently where they were, the City was forced to negotiate in an inferior position. Mr. Peo pointed out that while Burlington has been a very accommodating company to work with, financially they want to be held harmless.

Jay Robinovitz, Alter Trading, 700 Office Parkway, St. Louis, MO, came forward representing his Lincoln facility at 525 N Street which will be impacted by the Haymarket Project. He said that while Alter is in support of the project and commends the City in its efforts, he presented key points in meeting business goals at their present location: they employ 27 people; and they provide recycling to industrial/commercial/residential/small businesses/construction projects throughout the region. Mr. Robinovitz requested commitment from the City as it related to relocation & rail interruption by July 2012. To prove that rail is paramount to their business, in September alone, they shipped 44 railroad cars which is equivalent to 170 trucks leaving the facility. In finality, Mr. Robinovitz wanted to make sure Alter’s needs and the City’s needs are both met as they move forward & finalize the project.

Richard Esquivel, 733 W. Cuming, came forward to question the contract details as it related to financial compensation to BNSF.

Mr. Confer came forward to explain that $44 million is reimbursement for moving BNSF tracks and their railroad yard to the west as evidenced in a detailed cost analysis. This matter was taken under advisement.

**COUNCIL ACTION**

**REPORTS OF CITY OFFICERS**

APPOINTING MIKE AYARS TO THE AUDITORIUM ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 31, 2016 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-86060 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Mike Ayars to the Auditorium Advisory Board for a term expiring October 31, 2016 is hereby approved.

 Introduced by Adam Hornung

Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

REAPPOINTING FRANCIS MOUL TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A TERM EXPIRING MARCH 17, 2013 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-86061 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Francis Moul to the Community Forestry Advisory Board for a term expiring March 17, 2013 is hereby approved.

Introduced by Adam Hornung

Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

APPOINTING JANET GOODMAN-BANKS TO THE KENO ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2012 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:

A-86062 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Janet Goodman-Banks to the Keno Advisory Board for a term expiring on July 1, 2012 is hereby approved.

Introduced by Adam Hornung

Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

APPROVING THE APPOINTMENT OF JUDY HALSTEAD AS DIRECTOR OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT EFFECTIVE OCTOBER 23, 2010 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption for approval:
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Judy Halstead to the position of Director of the Lincoln-Lancaster County Department of Health effective October 23, 2010 is hereby approved.

Introduced by Adam Hornung
Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 8, 2010, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NB for the Application of Yankee Hill, LLC dba Yankee Hill Country Club for a Class C liquor license located at 7600 San Mateo Lane.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jonathan Cook
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 8, 2010, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S.
10th St., Lincoln, NE for the Application of Kelley and Tyrrell, Inc. dba McCourt’s Ale House for a Class C liquor license located at 118 S. 9th Street.

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

Introduced by Jonathan Cook
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:
Administrative Amendment No. 10058 to Use Permit No. 129A, Vavrina Meadows 1st Addition, approved by the Planning Director on October 8, 2010 requested by ESP, Inc. to delay the installation of required landscaping between Lot 7 and Lot 8, Block 32, until the time of building permits on either Lot 7 or Lot 8 has been approved. If the landscaping is not installed at the time of building permit, a bond will be required to ensure this improvement. The amount of the bond will be determined by Parks and Recreation Department. Property is generally located at S. 14th Street and Yankee Hill Road.

LIQUOR RESOLUTIONS - NONE

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

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND ENTERPRISE COMPANY, INC. FOR THE LEASE OF OFFICE SPACE AT 2662 CORNHUSKER HIGHWAY FOR THE HEALTH DEPARTMENT’S WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM FOR A THREE YEAR TERM - CLERK read an ordinance, introduced by Adam Hornung, approving a Lease Agreement between Lincoln-Lancaster County Health Department and Enterprise Company, Inc. for the lease of office space at 2662 Cornhusker Highway for the Health Department’s Women, Infants and Children (WIC) Program for a three year term, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE LINCOLN MEDICAL EDUCATION PARTNERSHIP FOR THE LEASE OF OFFICE SPACE AT 4600 VALLEY ROAD FOR THE HEALTH DEPARTMENT’S WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM FOR A FOUR YEAR TERM - CLERK read an ordinance, introduced by Adam Hornung, approving a Lease Agreement between the Lincoln-Lancaster County Health Department and the Lincoln Medical Education Partnership for the lease of office space at 4600 Valley Road for the Health Department’s Women, Infants and Children (WIC) Program for a four year term, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS DEFINING THE CITY OF LINCOLN’S RESPONSIBILITIES AS A LOCAL BRIDGE OWNER IN COMPLYING WITH THE NATIONAL BRIDGE INSPECTION STANDARDS - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86966
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads to define the Local Bridge Owner’s responsibilities in complying with National Bridge Inspection Standards (NBIS) requiring that every bridge be load rated and that inventory inspections be done at specified intervals, in accordance with the terms and conditions contained in said Agreement, is 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 originals of the Agreement to the Erika Nunes, Engineering Services, Public Works & Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Adam Hornung
Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND BLACK HILLS ENERGY TO LOCATE AND MAINTAIN A GAS REGULATING STATION AND APPURTENANCES ON CITY PROPERTY IN SCHROEDER/WILLARD PARK - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the License Agreement for Utility Space and Appurtenances which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln, Nebraska and Black Hills Energy to locate and maintain a gas regulating station and appurtenances on City property in Schroeder/Willard Park, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of the License Agreement to J.J. Yost, Parks and Recreation Department, for transmittal to Black Hills Energy.

Introduced by Adam Hornung
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

APPROVING THE RENEWAL OF AGREEMENTS BETWEEN LANCER COUNTY AND THE CITY OF LINCOLN AND ACI CORPORATION, OFFICE INTERIORS & DESIGN, INC., SPACESS, INC., SHEPARD'S BUSINESS INTERIORS, ALL MAKES OFFICE EQUIPMENT COMPANY FOR ANNUAL OFFICE SEATING REQUIREMENTS - PRIOR to reading:
HORNUNG Moved to Withdraw Bill No. 10R-269.
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

The ordinance, having been WITHDRAWN, was assigned the File #38-4605 & was placed on file in the Office of the City Clerk.

APPROVING A MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY AND BNSF TO PROVIDE FOR A LAND EXCHANGE NEEDED TO CREATE THE NEW BNSF RAIL CORRIDOR AND THE SITE FOR THE WEST HAYMARKET PROJECT IMPROVEMENTS; TO PROVIDE FOR THE REMOVAL OF BNSF IMPROVEMENTS ON THE PROPERTY TO BE ACQUIRED BY THE CITY FROM BNSF; TO PROVIDE FOR BNSF’S CONSTRUCTION OF REPLACEMENT TRACKS AND RELATED IMPROVEMENTS; AND TO PROVIDE FOR BNSF’S GRANTING OF CERTAIN LICENSE AND EASEMENT RIGHTS TO THE CITY FOR RIGHT OF ENTRY WORK RELATED TO THE WEST HAYMARKET PROJECT IMPROVEMENTS. (RELATED ITEMS: 10R-237, 10R-238, 10R-239, 10R-240) (REQUEST TO CONTINUE P.H. W/ACTION ON 10/4/10) (9/27/10 - P.H. W/CONTINUE TO 10/4/10) (10/4/10 - P.H. W/CONTINUE 2 WEEKS TO 10/18/2010) - PRIOR to reading:
COOK Moved MTA #1 to amend Bill No. 10R-237 to accept the Master Development Agreement, a copy of which is on file with City Clerk, in the City Council office and available online as a link to the City Council Agenda.
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

CLERK Read the following amended resolution, introduced by Doug Emery, who moved its adoption:
A-86068 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the Master Development Agreement attached hereto, as Attachment "A" incorporated herein by this reference between BNSF Railway Company ("BNSF") and the City of Lincoln providing for (1) an exchange of land between BNSF and the City needed for relocation of BNSF tracks from their existing location to accommodate construction of the City’s West Haymarket Project Improvements including a new arena, and other entertainment, lodging, office, retail facilities and supporting infrastructure; (2) BNSF’s removal of existing railroad improvements on the property to be acquired by the City from BNSF; (3) BNSF’s design, site grade and construction of replacement tracks, crossovers, switches and related signal and telecommunications improvements; and (4) BNSF’s grant of certain license and/or permanent or temporary easement rights to the City and certain third parties ("Rights of Entries") to perform certain rights of entry work, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Pursuant to the Master Development Agreement, the City has agreed to pay BNSF $1,000,000.00 for the land being acquired by the City from BNSF and to pay BNSF $44,000,000.00 for BNSF’s costs, expenses and fees for the BNSF work included in the Master Development Agreement.

BE IT FURTHER RESOLVED that the Mayor of the City of Lincoln is hereby authorized to execute on behalf of the City of Lincoln the licenses and temporary and permanent easement agreements for the rights of entry work, the escrow agreement and crossing agreements and other agreements referred to in the Master Development Agreement in substantially the form as attached to the Master Development Agreement.

Introduced by Doug Emery
Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.
APPROVING A LAND EXCHANGE AGREEMENT BETWEEN THE CITY AND BNSF FOR ACQUISITION OF
PROPERTY FROM BNSF FOR THE WEST HAYMARKET PROJECT. (RELATED ITEMS: 10R-237, 10R-
238, 10R-239, 10R-240) (REQUEST TO CON’T. P.H. W/ACTION ON 10/4/10) (9/27/10 -
P.H. W/ACTION CON’T TO 10/4/10) (10/4/10 - P.H. W/ACTION CON’T 2 WKS. TO
10/18/2010) - PRIOR to reading.

Snyder Moved MTA #1 to amend Bill No. 10R-238 to accept the Exchange Agreement, a
copy of which is on file with the City Clerk, in the City Council office and
available online as a link to the City Council Agenda.

Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

Snyder Moved MTA #2 to amend Bill No. 10R-238 to accept a substitute Exhibit QQ (Form of Replacement BNSF Property Deed), Exhibit QQ-1 (Form of Replacement BNSF Property Easement) and a new Exhibit QQ-2 (Form of Deed for Vacated Streets and Alleys) to the Exchange Agreement.

Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

Clerk Read the following amended resolution, introduced by Doug Emery, who
moved its adoption:

A-86069
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that
the Land Exchange Agreement attached hereto as Attachment “A” and incorporated
herein by this reference between BNSF Railway Company (“BNSF”) and the City of
Lincoln providing for the City’s acquisition of certain property from BNSF for
the West Haymarket Project and BNSF’s acquisition of certain property from the
City for BNSF’s new rail corridor in order to accommodate the West Haymarket
Project is hereby approved and the Mayor is authorized to execute the same on
behalf of the City of Lincoln. The land exchange includes a cash payment to
BNSF of $1,000,000.00.

Introduced by Doug Emery
Seconded by Hornung & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

APPROVING A CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN THE CITY AND BNSF TO
PROVIDE TERMS AND CONDITIONS REGARDING CONSTRUCTION OF THE CITY’S RIGHTS OF
ENTRY WORK UNDER THE MASTER DEVELOPMENT AGREEMENT FOR THE WEST HAYMARKET
PROJECT. (RELATED ITEMS: 10R-237, 10R-238, 10R-239, 10R-240) (REQUEST TO CON’T.
P.H. W/ACTION ON 10/4/10) (9/27/10 - P.H. W/ACTION CON’T TO 10/4/10) (10/4/10 -
P.H. W/ACTION CON’T 2 WKS. TO 10/18/2010) - PRIOR to reading.

Cook Moved to amend Bill No. 10R-239 to accept the Construction and
Maintenance Agreement, a copy of which is on file with the City Clerk, in the
City Council Office and available online as a link to the City Council Agenda.

Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

Clerk Read the following amended resolution, introduced by Doug Emery, who
moved its adoption:

A-86070
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that
the Construction and Maintenance Agreement (“C and M Agreement”) attached hereto
as Attachment “A” and incorporated herein by this reference between BNSF Railway
Company (“BNSF”) and the City of Lincoln to provide terms and conditions
regarding construction of the City’s certain rights of entry work and for other
work being performed on or adjacent to BNSF property by the City including
certain contractor requirements is hereby approved and the Mayor is authorized
to execute the same on behalf of the City of Lincoln, Nebraska.

Introduced by Doug Emery
Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

APPROVING A THIRD ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY AND THE WEST
HAYMARKET JOINT PUBLIC AGENCY TO PROVIDE FOR THE CITY’S ASSIGNMENT OF ITS
RIGHTS, INTERESTS, DUTIES AND OBLIGATIONS UNDER THE MASTER DEVELOPMENT
AGREEMENT, LAND EXCHANGE AGREEMENT AND CONSTRUCTION AND MAINTENANCE AGREEMENT
FOR THE WEST HAYMARKET PROJECT TO THE WEST HAYMARKET JOINT PUBLIC AGENCY.
(RELATED ITEMS: 10R-237, 10R-238, 10R-239, 10R-240) (REQUEST TO CON’T. P.H.
W/ACTION CON’T 2 WKS. TO 10/18/2010) - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the Third Assignment and Assumption Agreement attached hereto as Attachment "A" and incorporated herein by this reference between the City of Lincoln, Nebraska and the West Haymarket Joint Public Agency providing for the City, as assignor, to assign and for Agency, as assignee, to assume all the City’s rights, interests, duties and obligations under the Master Development Agreement, Land Exchange Agreement and the Construction and Maintenance Agreement between the City of Lincoln and BNSF Railway Company is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln, Nebraska.

The Mayor is hereby further authorized to execute without further action of the City Council any other assignment and assumption documents which may be needed to obtain any required consent by the BNSF Railway Company to the assignment to and assumption of such Agreement by the West Haymarket Joint Public Agency.

Introduced by Doug Emery

Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

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

CHANGE OF ZONE 10019 - APPLICATION OF ASSURITY LIFE INSURANCE CO. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 27TH STREET AND OLD CHENEY ROAD. (RELATED ITEMS 10-133, 10R-271, 10-134) (ACTION DATE: 11/1/10) - CLERK read an ordinance, introduced by Jonathan Cook, 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 NO. 15D - AMENDING THE USE PERMIT FOR SOUTHWOOD CENTER TO CHANGE APPROXIMATELY 33,020 SQ. FT. OF OFFICE USES TO RETAIL USES, WITH A REQUEST TO REDUCE THE FRONT YARD SETBACK ON SOUTH 27TH STREET AND OLD CHENEY ROAD, ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 27TH STREET AND OLD CHENEY ROAD. (RELATED ITEMS 10-133, 10R-271, 10-134) (ACTION DATE: 11/1/10) - CLERK read an ordinance, introduced by Jonathan Cook, 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.

VACATION 10015 - VACATING THE RIGHT-OF-WAY STUB ON THE NORTH SIDE OF OLD CHENEY ROAD LOCATED APPROXIMATELY 480 FEET WEST OF THE CENTERLINE OF SOUTH 27TH STREET. (RELATED ITEMS 10-133, 10R-271, 10-134) (ACTION DATE: 11/1/10) - CLERK read an ordinance, introduced by Jonathan Cook, vacating the right-of-way stub on the north side of Old Cheney Road located approximately 480 feet of the centerline of South 27th Street and retaining title thereto in the City of Lincoln, Lancaster County Nebraska, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required) - NONE

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

COOK Moved to extend the Pending List to October 25, 2010.
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

UPCOMING RESOLUTIONS

COOK Moved to approve the resolutions to have Public Hearing on October 25, 2010.
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.
COOK Moved to adjourn the City Council meeting of October 18, 2010.
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Camp, Carroll.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant