THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 31, 2011 AT 3:00 P.M.

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

Council Chair Carroll 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 24, 2011 reported having done so, found same correct. Seconded by Hornung & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

GUEST RECOGNITION

Council Chair Carroll recognized and welcomed Sally Gordon, the former Sergeant-at-Arms for the Nebraska State Legislature, who was in attendance at today's Council Meeting.

PUBLIC HEARING

AMENDING ORDINANCE 19589 PASSED AUGUST 8, 2011 FOR THE WIDENING AND RECONSTRUCTION OF OLD CHENEY ROAD FROM 70TH STREET TO 82ND STREET TO ALLOW FOR THE DESIGN AND CONSTRUCTION OF RIGHT-TURN LANES AT THE INTERSECTION OF 70TH STREET AND OLD CHENEY ROAD - Rod Confer, City Attorney, came forward to clarify the amendment to the ordinance. He addressed confusion relating to right-turn lanes at major arterial intersections. He said when the substitute ordinance was placed before Council it did not have that distinction, so this amendment corrects that error.

Thomas Shafer, Public Works & Utilities, came forward to address Council concerns. He clarified that the scope of this project stops at 82nd Street and that there is already a right-turn lane at 84th Street.

This matter was taken under advisement.

APPROVING A LEASE AND OPERATING AGREEMENT BETWEEN THE CITY AND THE BOARD OF REGENTS OF UNL FOR LEASE OF SPACE AT THE WEST HAYMARKET ARENA - Dan Marvin, JPA Project Manager, came forward to provide details of the lease agreement with the University of Nebraska-Lincoln and answer questions. In response to Council questions, Mr. Marvin said since the University was obligating itself to a lengthy agreement, they wanted maintenance, upkeep and repair for the building. In the exchange of value, the City kept the following: suite revenue, club seat revenue for non-university events, naming rights and signage opportunities within the building. Mr. Marvin said primary rent is $750,000 during a lease-hold period from November to March; he explained offsets as being a $1 ticket surcharge, the state turn-back tax formula, ½ of the loge-box seat revenue and compensation of net revenue concession operations calculated at Devaney. Mr. Marvin explained branding on the fairly neutral concourses in a multi-purpose building. He said during basketball events, a basketball environment will be created. Use of televised monitors could change the character of the concourses to match the events being held. He said there will be 120 total event days during the year, with the expectation of the University taking up about 40 of those event days. Mr. Marvin clarified the use of security being no different than what is current at Pershing Auditorium.

Rod Confer, City Attorney, came forward to answer questions about liability. He said the lease agreement clarifies that in Section 15, UNL provides, at its own expense, general liability coverage as a result of the use of the property including spectator and participant liability. Mr. Marvin followed discussion by sharing that SMG, as facility operator, is obligated to maintain the facility in accordance to the lease agreement. This matter was taken under advisement.
APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LEAGUE OF HUMAN DIGNITY FOR THE ANNUAL REQUIREMENTS FOR ADMINISTRATION OF STARTRAN’S SPECIAL TRANSPORTATION PROGRAMS, PURSUANT TO BID NO. 11-204, FOR A TWO-YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM;

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND PLUNKETT’S PEST CONTROL FOR THE ANNUAL REQUIREMENTS FOR PEST CONTROL SERVICES AT STARTRAN, PURSUANT TO QUOTE NO. 3640, FOR A TWO-YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - Vince Mejer, Purchasing Agent, came forward to answer questions.

This matter was taken under advisement.

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO ALLOW THE USE OF FEDERAL TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING TO REPLACE EXISTING PEDESTRIAN SIGNAL HEADS WITH COUNTDOWN-STYLE PEDESTRIAN SIGNAL HEADS. CITY PROJECT NO. 701076. STATE PROJECT NO. HSIP 5239(7), CN 12927;


Erin Sokolik, Public Works & Utilities, came forward to answer questions. She said this funding agreement will allow for 80% completion of pedestrian signal head projects. Ms. Sokolik said as money becomes available, Public Works will slowly phase in the 20% that is remaining.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REPORT OF SETTLEMENT AGREEMENT UNDER NEB. REV. STAT. § 84-713 (NON TORT CLAIMS) - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK’S LETTER & MAYOR’S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED OCTOBER 17, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 14, 2011, AT 3:00 P.M. FOR THE APPLICATION OF GRATA LLC DBA GRATA FOR A CLASS CK LIQUOR LICENSE LOCATED AT 6891 A STREET, SUITE 108 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, that a hearing date is hereby set for Monday, November 14, 2011, 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 Grata, LLC dba Grata for a Class CK liquor license located at 6891 A Street, Suite 108.

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: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS - NONE

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

APPROVING A SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA FOUNDATION, ON BEHALF OF EDUCARE LINCOLN, FOR THE SALE OF APPROXIMATELY 90,000 SQ. FT. OF SURPLUS CITY PROPERTY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH 14TH STREET AND MANATT STREET - CLERK read an ordinance, introduced by Jon Camp,
approving a Real Estate Sales Agreement between the City of Lincoln and the University of Nebraska Foundation authorizing the sale of approximately 90,000 square feet of property generally located southwest of the intersection of North 14th Street and Manatt Street, the second time.

AMENDING ORDINANCE 19589 PASSED AUGUST 8, 2011 FOR THE WIDENING AND RECONSTRUCTION OF OLD CHENEY ROAD FROM 70TH STREET TO 82ND STREET TO ALLOW FOR THE DESIGN AND CONSTRUCTION OF RIGHT-TURN LANE S AT THE INTERSECTION OF 70TH STREET AND OLD CHENEY ROAD - CLERK read an ordinance, introduced by Jon Camp, amending Ordinance 19589, which amended Ordinance 18214, which authorized and directed the Department of Public Works and Utilities to proceed with the preparation of detailed plans and specifications for the widening, reconstruction, and improvement of Old Cheney Road from Nebraska Highway 2 to South 88th Street to acquire necessary right-of-way and easements relating thereto; and to proceed with construction thereof, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND SILVER PROPERTIES LLC FOR A LEASE OF SPACE FOR A FIVE-YEAR TERM FOR USE BY THE LINCOLN POLICE DEPARTMENT - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between Silver Properties, L.L.C. and the City of Lincoln for a lease of space for a term of November 1, 2011 through October 31, 2016, for use by the Lincoln Police Department, the second time.

APPROVING A LEASE AND OPERATING AGREEMENT BETWEEN THE CITY AND THE BOARD OF REGENTS OF UNL FOR LEASE OF SPACE AT THE WEST HAYMARKET ARENA - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease and Operating Agreement between the City of Lincoln and the Board of Regents of the University of Nebraska (Board of Regents) for the lease of basketball space and other defined leased improvements within the West Haymarket Arena by the Board of Regents for a term of 30 years commencing on September 1, 2013 or upon substantial completion of the Arena, whichever occurs first, the second time.

PUBLIC HEARING - RESOLUTIONS

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, 2011 - CLERK read the following resolution, originally introduced by Jon Camp.

HORNUNG Moved its adoption:

A-86562 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 17, 2011, 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:

<table>
<thead>
<tr>
<th>DENIED CLAIMS</th>
<th>ALLOWED/SETTLED CLAIMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Great West Casualty Co. ($2,495.35)</td>
</tr>
<tr>
<td></td>
<td>Steve Tatum (600.00)</td>
</tr>
</tbody>
</table>

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

APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT FOR THE LINCOLN METROPOLITAN MEDICAL RESPONSE SYSTEM TO EXTEND THE TERM TO FEBRUARY 28, 2012 - CLERK read the following resolution, originally introduced by Jon Camp.

HORNUNG Moved its adoption:

A-86563 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Sub-Recipient Agreement between the Nebraska Emergency Management Agency and the City of Lincoln on behalf of the Lincoln-Lancaster County Health Department and the Nebraska Emergency Management Agency for the Lincoln Metropolitan Medical Response System under which the Health Department accepted a sub-grant in the amount of $321,221.00, for the 2008 Department of Homeland Security Grant - MMRS, entered into and accepted by Resolution No. A-86281 adopted by the City Council on April 11, 2011, is hereby amended to extend the
performance period to a term of September 1, 2008 through February 28, 2012 as set out in the attached 2008 Grant Adjustment Notice and the Mayor is authorized to execute said Adjustment Notice on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreement to Judy Halstead, Director of the Lincoln Lancaster County Health Department.

Introduced by Jon Camp

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LEAGUE OF HUMAN DIGNITY FOR THE ANNUAL REQUIREMENTS FOR ADMINISTRATION OF STARTRAN’S SPECIAL TRANSPORTATION PROGRAMS, PURSUANT TO BID NO. 11-204, FOR A TWO-YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution originally introduced by Jon Camp.

HORNUNG Moved its adoption:

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

That the attached Contract Agreement between the City of Lincoln and the League of Human Dignity for the annual requirements for Administration of StarTran’s Special Transportation Programs, pursuant to Bid No. 11-204, for a two-year term with the option to renew for one additional two-year term, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND PLUNKETT’S PEST CONTROL FOR THE ANNUAL REQUIREMENTS FOR PEST CONTROL SERVICES AT STARTRAN, PURSUANT TO QUOTE NO. 3640, FOR A TWO-YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL TWO-YEAR TERM - CLERK read the following resolution originally introduced by Jon Camp.

HORNUNG Moved its adoption:

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

That the attached Contract Agreement between the City of Lincoln and Plunkett’s Pest Control for the annual requirements for Pest Control Services at StarTran, pursuant to Quote No. 3640, for a two-year term with the option to renew for one additional two-year term, upon the terms as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jon Camp

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

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO ALLOW THE USE OF FEDERAL TRANSPORTATION PROGRAM FUNDS FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING TO REPLACE EXISTING PEDESTRIAN SIGNAL HEADS WITH COUNTDOWN-STYLE PEDESTRIAN SIGNAL HEADS. CITY PROJECT NO. 701076. STATE PROJECT NO. HSIP 5239(7), CN 12927 - CLERK read the following resolution originally introduced by Jon Camp.

HORNUNG Moved its adoption:

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 for the use of Federal Transportation Program Funds for construction and construction engineering to replace existing pedestrian signal heads with countdown style pedestrian signal heads, Project No. HSIP 5239(7), CN 12927, 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 copies of the Agreement to Engineering Services Division of the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Jon Camp

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

APPROVING THE AWARD OF CONTRACT TO THE LOW BIDDER FOR THE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR COUNTDOWN-STYLE PEDESTRIAN SIGNAL HEADS. CITY PROJECT NO. 701076. STATE PROJECT NO. HSIP 5239(7), CN 12927 - CLERK read the following resolution originally introduced by Jon Camp.

HORNUNG Moved its adoption:
WHEREAS, the City of Lincoln adopted Resolution No. A-86417 on July 18, 2011 approving a Funding Agreement between the City of Lincoln and the State of Nebraska Department of Roads to allow the use of Federal Transportation Program Funds for construction and construction engineering to replace existing pedestrian signal heads with countdown-style pedestrian signal heads. City Project No. 701076. State Project No. HSIP 5239(7), CN 12927; and
WHEREAS, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as HSIP 5239(7); and
WHEREAS, the State and City received bids for the construction of the proposed work and selected Dominion Construction Company as the low bidder to whom the contract should be awarded.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The City concurs in the selection of the above mentioned contractor and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreements to the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Jon Camp
Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

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

AMENDING CHAPTER 2.62 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTION 2.62.120 RELATING TO TRUSTEE TO TRUSTEE TRANSFERS TO PROVIDE, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION, FOR SEPARATE ACCOUNTING FOR TAXABLE AND NON-TAXABLE AMOUNTS AND AMENDING SECTION 2.62.230 RELATING TO QUALIFIED RETIREMENT PLAN TO PROVIDE THAT A MEMBER SHALL BE 100% VESTED UPON ATTAINMENT OF REQUIREMENTS FOR AN AGE AND SERVICE RETIREMENT AND TO PROVIDE THAT A DECEASED MEMBER’S MILITARY SERVICE BE COUNTED FOR VESTING PURPOSES - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.62 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan A by amending Section 2.62.120, Trustee to Trustee Transfers, to provide, in the case of an eligible rollover distribution, for separate accounting for taxable and non-taxable amounts; amending Section 2.62.230, Qualified Retirement Plan, to provide that a member shall be 100% vested upon attainment of requirements for an age and service retirement and to provide that a deceased member’s military service be counted for vesting purposes; and repealing Sections 2.62.120 and 2.62.230 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 2.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTION 2.65.120 RELATING TO TRUSTEE TO TRUSTEE TRANSFERS TO PROVIDE, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION, FOR SEPARATE ACCOUNTING FOR TAXABLE AND NON-TAXABLE AMOUNTS AND AMENDING SECTION 2.65.220 RELATING TO QUALIFIED RETIREMENT PLAN TO PROVIDE THAT A MEMBER SHALL BE 100% VESTED UPON ATTAINMENT OF REQUIREMENTS FOR AN AGE AND SERVICE RETIREMENT AND TO PROVIDE THAT A DECEASED MEMBER’S MILITARY SERVICE BE COUNTED FOR VESTING PURPOSES - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.65 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan A by amending Section 2.65.120, Trustee to Trustee Transfers, to provide, in the case of an eligible rollover distribution, for separate accounting for taxable and non-taxable amounts; amending Section 2.65.220, Qualified Retirement Plan, to provide that a member shall be 100% vested upon attainment of requirements for an age and service retirement and to provide that a deceased member’s military service be counted for vesting purposes; and repealing Sections 2.65.120 and 2.65.220 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTION 2.66.095 RELATING TO TRUSTEE TO TRUSTEE TRANSFERS TO PROVIDE, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION, FOR SEPARATE ACCOUNTING FOR TAXABLE AND NON-TAXABLE AMOUNTS AND
AMENDING SECTION 2.66.200 RELATING TO QUALIFIED RETIREMENT PLAN TO PROVIDE THAT A MEMBER SHALL BE 100% VESTED UPON ATTAINMENT OF REQUIREMENTS FOR AN AGE AND SERVICE RETIREMENT AND TO PROVIDE THAT A DECEASED MEMBER'S MILITARY SERVICE BE COUNTED FOR VESTING PURPOSES - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.66 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan A by amending Section 2.66.095, Trustee to Trustee Transfers, to provide, in the case of an eligible rollover distribution, for separate accounting for taxable and non-taxable amounts; amending Section 2.66.200, Qualified Retirement Plan, to provide that a member shall be 100% vested upon attainment of requirements for an age and service retirement and to provide that a deceased member's military service be counted for vesting purposes; and repealing Sections 2.66.095 and 2.66.200 of the Lincoln Municipal Code as hitherto existing, the first time.

REPEALING CHAPTER 8.12 OF THE LINCOLN MUNICIPAL CODE RELATING TO SMALL FAMILY CHILD CARE HOMES - CLERK read an ordinance, introduced by Jonathan Cook, repealing Chapter 8.12 of the Lincoln Municipal Code relating to Small Family Child Care Homes, the first time.

APPROVING A SUBLEASE AGREEMENT AMENDMENT #1 TO RENEW AN EXISTING SUBLEASE BETWEEN THE CITY ON BEHALF OF THE LINCOLN POLICE DEPARTMENT & THE STATE OF NEBRASKA ON BEHALF OF THE NEBRASKA STATE PATROL FOR A FIVE YEAR TERM - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Sublease Agreement Amendment #1 between the City of Lincoln d/b/a Lincoln Police Department and the State of Nebraska Department of Administrative Services on behalf of Nebraska State Patrol for the renewal of the sublease of space for a term of November 1, 2011 through October 31, 2016, for use by the Nebraska State Patrol, the first time.

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

RESOLUTIONS - ACTION ONLY

APPROVING THE 2040 LINCOLN - LANCASTER COUNTY COMPREHENSIVE PLAN. HEARING BEFORE THE JOINT LINCOLN CITY COUNCIL AND LANCASTER COUNTY BOARD OF COMMISSIONERS ON OCTOBER 18, 2011 AT 5:00 P.M., WITH ACTION BY THE CITY COUNCIL SCHEDULED FOR OCTOBER 31, 2011 AT 3:00 P.M. - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 11R-250 by substituting the attached Chapter 10 - Transportation for Chapter 10 - Transportation in the proposed 2040 Lincoln Lancaster County Comprehensive Plan attached to Bill No. 11R-250.

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

COOK Moved MTA #2 to amend Bill No. 11R-250 by striking the existing language in bullet 6 and inserting new language under Urban Forest Strategies, on page 9.10 of the proposed 2050 Lincoln Lancaster County Comprehensive Plan attached to Bill No. 11R-250 to read as follows:

Monitor the street tree pruning cycle, if the average street tree pruning cycle cannot sustain public tree health and safety due to constrained resources, consider amending development standards for residential subdivisions to plant street trees on private property instead of within the public right-of-way.

Street trees require ongoing, regular management to assure adequate clearance over sidewalks and over streets, and to maintain visibility of traffic safety signage. Increasing resources for staffing and contractual work are needed commensurate with the increasing number of street trees associated with new development in the community.

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

COOK Moved MTA #3 to amend Bill No. 11R-250 by amending the proposed 2040 Lincoln Lancaster County Comprehensive Plan attached to Bill No. 11R-250 in the following manner:

1. Revise the third bullet under Vision Statements on page 12 to read as follows:

Policies of managing urban growth, maintaining an "edge" between urban and rural land uses, and preserving prime and other highly productive agricultural land form a distinctive and attractive built environment for Lincoln and Lancaster County.
2. Revise the first bullet under Strategies for Local Food on page 3.12 to read as follows:
   • Continue to promote the preservation of prime and other highly productive farmland in the rural areas of the county.

3. Revise the fourth bullet under Strategies for Rural Areas on page 7.13 to read as follows:
   • Pursue state legislation to enable the County to establish a transfer of development rights program that helps encourage acreage development in more suitable locations while protecting environmental resources and highly productive prime farmland, while also respecting property rights by compensating owners who agree to the transfers.

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

Clerk

Cook Moved MTA #4 to amend Bill No. 11R-250 by amending the proposed 2040 Lincoln Lancaster County Comprehensive Plan attached to Bill No. 11R-250 in the following manner:

1. Delete the third bullet under Strategies for Rural Areas on page 7.13 as follows:
   • Consider all proposals for new acreage development in undesignated areas at one time as part of the Comprehensive Plan Annual Review.

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

Clerk

Read the following amended resolution, introduced by Carl Eskridge, who moved its adoption:

WHEREAS, the Planning Director for the City of Lincoln, Nebraska, and the County of Lancaster, Nebraska, has prepared a new comprehensive plan to guide the future improvement and development of the City and County; and

WHEREAS, full consideration has been given to all of the provisions and requirements of Neb. Rev. Stat. §§ 15-1102 and 15-1103 (2010 Supp.) and Neb. Rev. Stat. §§ 23-174.05 and 23-174.06, (Reissue 2007); and

WHEREAS, the Lincoln City - Lancaster County Planning Commission, after holding public hearings and after full consideration of all of the aspects of the proposed comprehensive plan, has recommended to the Lincoln City Council the 2040 Lincoln - Lancaster County Comprehensive Plan, a copy of which is attached to this resolution and made a part hereof by reference; and

WHEREAS, public hearings have been held by the Lincoln City Council on the recommendations of the Lincoln City - Lancaster County Planning Commission as to the adoption of the 2040 Lincoln - Lancaster County Comprehensive Plan; and

WHEREAS, the Lincoln City Council has fully and completely reviewed the recommendations of the Lincoln City - Lancaster County Planning Commission and requested modifications thereto with respect to the said 2040 Lincoln - Lancaster County Comprehensive Plan; and

WHEREAS, the Lincoln City Council has adopted modifications to the 2040 Lincoln - Lancaster County Comprehensive Plan as recommended by the Lincoln City - Lancaster County Planning Commission, a copy of which are attached to this resolution and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lincoln, Nebraska hereby adopts the 2040 Lincoln - Lancaster County Comprehensive Plan with the attached modifications as the general plan for the improvement and development of the City of Lincoln, Nebraska.

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

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

Pending -

Cook Moved to extend the Pending List to November 7, 2011.

Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.
UPCOMING RESOLUTIONS

COOK Moved to approve the resolutions to have Public Hearing on November 7, 2011. Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

ADJOURNMENT 3:39 P.M.

COOK Moved to adjourn the City Council meeting of October 31, 2011. Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None; ABSENT: Camp.

__________________________________________
Joan E. Ross, City Clerk
__________________________________________
Sandy L. Dubas, Senior Office Assistant