

MEETING RECORD

Advanced public notice of the Nebraska Capitol Environs Commission meeting was posted on the County-City bulletin board and the Planning Department's website.

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| NAME OF GROUP: | NEBRASKA CAPITOL ENVIRONS COMMISSION |
| DATE, TIME AND PLACE OF MEETING: | Friday, October 25, 2024, 8:30 a.m., City Council Chambers, County-City Building, 555 S. 10 th Street, Lincoln, Nebraska. |
| MEMBERS IN ATTENDANCE: | Eileen Bergt, Ann Post, Andrea Gebhart, Kile Johnson, and Delonte Johnson; Heidi Cuca and David Quade absent. |
| OTHERS IN ATTENDANCE: | Collin Christopher, Paul Barnes, and Clara McCully of the Planning Department; Maggie Stuckey-Ross, Chris Myers, and Adam Klingenberg of the Parks Department; and other interested citizens were present. |
| STATED PURPOSE OF MEETING: | Nebraska Capitol Environs Commission Meeting |

Chair K. Johnson called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

K. Johnson then called for the approval of the minutes of the regular meeting held September 27, 2024.

Motion for approval made by Bergt by Seconded by Gebhart.

Minutes approved as corrected 5-0: Bergt, Post, Gebhart, K. Johnson, and D. Johnson voting "yes": Cuca and Quade absent.

PUBLIC HEARING: GOODHUE BOULEVARD TREE REMOVAL

October 25, 2024

Members present: Bergt, Post, Gebhart, K. Johnson, and D. Johnson; Cuca and Quade absent.

Collin Christopher, Planning Department, 555 S 10th Street, Lincoln, NE came forward and stated there is a request to remove over 20 trees along Goodhue Boulevard. The most recent number of trees he received was 22, but Parks staff can provide an update to that number if it has changed. Christopher identified the code section that gives the Nebraska Capitol Environs Commission (NCEC) purview to review this project as 27.56.100 Section B. This project changes the appearance of the district. It doesn't require a permit, but it is regulated by Capitol Environs Design Standards. This is a significant enough change that requires NCEC approval.

There is confusion about the sidewalks versus the tree removal project. To clarify, Parks' plan for tree removal has nothing to do with the sidewalk realignment project. The 1986 Master Plan for Goodhue Boulevard, which preceded the NCEC by about two years, proposed changing the alignment of sidewalks to bring them closer to the curbline. Doing so would create space for tree replacements to be located between the sidewalk and the property line to optimize views of the Capitol. The task is difficult to implement, and nearly 40 years later, it still hasn't been implemented.

Back in 2013, work was done at McPhee Elementary School and the sidewalk was shifted on that block. But as you go south one block, the sidewalk doesn't match up. The line on which the master plan shows the sidewalk being is where trees are located today.

In staff's analysis of this project, staff must stick to the design standards, which speak to realignment. On the other hand, the Commission has the ability to determine whether the realignment guideline is still an appropriate one. This is a larger discussion we would not be able to fully tackle today, but it is something worth considering.

Post asked if this item would be reviewed by City Council after NCEC consideration.

Christopher stated it depends on what happens after NCEC's decision. The decision can be appealed to City Council, but if not appealed it is considered final action.

K. Johnson stated the recommended staff finding is that the proposed tree removal along Goodhue Boulevard generally complies with the Capitol Environs Standards, and the recommended action is approval of certificate, with conditions: 1) Parks and Recreation shall develop a final tree replacement strategy that considers future sidewalk realignment, 2) Parks and Recreation and Planning staff shall work with Lincoln Transportation and Utilities to develop a sidewalk realignment strategy, and 3) Both the tree replacement and sidewalk realignment strategies should come back to the Capitol Environs Commission for approval at a future date.

Christopher stated that if this was a building being demolished for redevelopment, there is clear language that requires the applicant to show what will be replacing the demolished building. Trees being demolished don't have the same requirement, but common sense would suggest that a replacement strategy is critical. Parks may present part of that strategy today. Regardless of what Parks presents today, they will need to come back with a final strategy for NCEC to approve.

Maggie Stuckey-Ross, Parks and Recreation Director, 3131 O Street, 3rd floor, came forward and stated that the work of the Parks Department intersects the work of the NCEC. The partnership includes being stewards of Centennial Mall, the Lincoln Mall, and in all areas, the urban canopy is entrusted to the care of their department. Parks is requesting a certificate of approval for removal of dead and dying trees along Goodhue Boulevard. Stuckey-Ross introduced City Forester Chris Meyers, and Assistant City Forester Adam Klingenberg.

Chris Meyers, Parks and Recreation City Forester, 901 West Bond Street, came forward and stated he has been in the position since the beginning of May and is available for questions while Klingenberg presents.

5246 Adam Klingenberg, Parks and Recreation Assistant City Forester, 901 West Bond Street, came forward and stated he is an International Society of Arboriculture (ISA) Board certified Master Arborist. He has the tree risk assessment qualification, is an ISA certified municipal specialist, a certified arborist through the Nebraska Arborist Association, and has been with Parks and Recreation Forestry division since 2011 and is the Assistant City Forester. He evaluates conditions of trees, their health and how well they are faring. His decisions have ramifications and he doesn't take removal lightly.

His goal for today is to show what is going on at Goodhue Boulevard. There are 80-year-old trees with fungal issues, in a restricted space from the sidewalk to the curb. The drought is taking a heavy toll on the Oak trees and pathogens take advantage. There are 27 Pin Oaks and two Silver Maples. This is a broad overview of Goodhue Boulevard, which is not specific, but shows progression.

The trees have been in poor condition all summer. The canopy on the drive-by warranted the stop to evaluate. Healthy trees should have a thick canopy, green and lush. Healthy trees don't lose lateral branches. Trees that are thin on top, suckers, yellowing leaves and branches dying back, are all stressors causing the tree to decline. The tree is dying and dry inside, which causes bark to pop and is very critical. Fungus is an indicator of base and root decay. An 80-foot tree with base decay is a problem.

Dead wood is still there, and fungal pathogens are still there, wounds on trees don't heal, the tree grows around it.

What will happen next to the trees is hypoxylon canker, which makes it brittle and they shed their limbs. Bark will start sloughing off and crumbling. He would like to get ahead of public safety issues. The trees on Goodhue Boulevard will lose leaves, start crumbling, and fall apart. There are environmental and tree health issues all over.

K. Johnson asked if Klingenberg reviewed all of the trees on Goodhue Boulevard, and if some don't need to be removed.

Klingenberg stated it would not be all of the trees.

K. Johnson asked if some Pin Oaks were not selected.

Klingenberg stated all of the Pin Oaks would be removed, and two Silver Maples.

K. Johnson asked if this removal plan would preserve any recently planted Oaks, and how many that would be.

Klingenberg stated he doesn't have the information for that number.

K. Johnson asked why the numbers increased from 22 to 27.

Klingenberg stated all of the Oaks are at the same condition level, but each tree has unique stages of decline and mortality spiral. He doesn't like to clearcut areas, but after talking with colleagues and reevaluating, all of those additional trees are at that point and doing this big of a project will benefit everyone to have them removed all at once.

K. Johnson asked if all 27 are the same age.

Klingenberg stated yes. Some of the trees will look fine, but the roots are compromised and destroyed.

K. Johnson stated there was a suggestion that pruning would take care of the trees.

Klingenberg stated the trees are actively dying, by pruning dead wood they will be right back to removing the trees next year. The city can't operate that way.

D. Johnson asked what about the estimated life remaining on the trees.

Klingenberg stated each tree is different. He has to take what is going on and make the best assessment. Drought speeds up the mortality spiral. He can't give a definitive answer.

D. Johnson asked what is the proposed removal timeline?

Klingenberg stated December of this year.

K. Johnson asked if Klingenberg has completed basic risk assessment level two forms for the trees.

Klingenberg stated the city doesn't operate that way, there is not a paper trail specific to each tree, or an ISA tree risk assessment form as K. Johnson mentioned. That form is just a guide and he is going through that process already, making notes and speaking with colleagues.

K. Johnson asked who the colleagues are.

Klingenberg stated his colleagues are the Chief Forrester, the other Assistant Forrester, and the Inspector.

Gebhart asked if anything could be done to prevent the current condition.

Klingenberg stated the City has 130,000 City right-of-way trees, but can't mulch all of them. Mulching and watering would have been helpful. When the City gets a maintenance request, they show up. They have received 71 calls for Goodhue Boulevard over the past 3-4 years, with six calls from the recent storms. Trees take a while to die, and environmental factors are huge.

Post asked what the reason was behind the timeline for the end of the year.

Klingenberg stated he believes it has to do with funding, and with a contract they can move faster.

Gebhart asked if the stump would be ground down after the tree is removed. Is there enough space for a new tree?

Klingenberg stated, yes, there is an initiative called 'right tree, right place.' They would follow code, pitch a plan, and wouldn't plant in the same spot. We want trees back in.

Gebhart asked if it is standard for Parks and Recreation to propose removal without a replacement plan? NCEC usually sees plans for removal to include plans for putting something back in.

Klingenberg stated they had a large project with Wesleyan and removed 29 trees. There are vouchers available. In that project they are working with the landscaper/neighbor to replant trees.

K. Johnson asked if the replacement plan depends on sidewalk replacement.

Stuckey-Ross stated they are holding back money from the Inflation Reduction Act that will pay for removal and replanting. They need and want to replant, have money set aside, and don't want to have to take out newly planted trees because of decisions about the sidewalk. They are eager to have conversations about the 1986 plans. Their goal is to put street trees back in. They have funding set aside for replanting. Wesleyan was the neighbor in the project example. For those street trees, they have a plan for replanting. They are hoping to increase funding. The Mayor has increased the funding for tree plantings. They are continuing to build up those resources so that every time they take out a tree, they can put one back in.

Gebhart asked if there is a timeline on the money set aside.

Stuckey-Ross stated the timeline is December 2025. They need to replant in Spring or Fall. They need to do removal soon for a Spring planting. The sidewalk conversations need to happen quickly.

K. Johnson asked if Stuckey-Ross would be willing to coordinate on a committee with Planning, Parks and Recreation, and whoever is in charge of the sidewalks.

Stuckey-Ross stated she is unclear about who is in charge of the sidewalk. The 1986 plan is specific about the trees and Parks has feedback. Standards have changed in the last 50 years and parks would like to talk about the species in the plan. They would like to set trees up for success and Parks and NCEC need to collaborate.

K. Johnson asked if getting rid of the trees is the most important for age, condition and risk.

Stuckey-Ross stated Parks is concerned for safety of walking, parking and living on Goodhue Boulevard. As can be seen by the most recent and next few upcoming City Council meetings, the city is dealing with a lot of failing trees. Once we are on notice, we need to do something. It is very expensive to remove 29 trees. They don't have

equipment, personnel and capacity. They want to put the funding to good use so 80 years from now the street and the trees can be in a good place.

D. Johnson asked if the funding expires at the end of 2025, with removal at the end of this year and possibly replant in Spring if the sidewalks are redone. Is it probable that the sidewalks would be moved closer to the street in that timeframe?

Christopher stated he does not know. Sidewalks are the responsibility of Lincoln Transportation and Utilities (LTU), so he can't speak to whether this is a priority for LTU. Trying to figure this out in 3-5 months is a difficult task.

Support

Bob Ripley, 3022 Williams Street, came forward and stated he is in support of the environs standards for the Goodhue Boulevard replant. ([exhibit 1](#)) Asking when a tree is going to die is like asking when a person is going to die; they are dynamic. These are 24 of the 26 largest trees on the street, in his count. It will be catastrophic for the appearance of the street. In 2008, citizens said they don't want to lose these trees. The Parks Director at the time, who is a landscape architect, said they could get new trees in place to start growing. Now 15 years later, the issue is in front of them again. The 10-foot back of curb condition for the sidewalk is a driving force.

The image is a rendition of what the Capitol Environs standards were meant to do ([exhibit 2](#)). In the current conditions, it is 8-10 feet from curb to sidewalk. On the east side of the street, it is 21 feet from back of curb, so there is a huge disparity, with the trees in the same location. With the improved standard, the trees do not align with streetlights. The streetlights become more visible, illumination is not blocked, and trees end up wider. The trees now are overgrown. Goodhue Boulevard is a 120-foot right-of-way: 20 feet wider than other streets in the area, which are 100 feet from property line to property line.

He is advocating for alignment. The safety of a sidewalk close to a residential property of 21 feet from the curb would be a caution to him. Ten feet back from the curb would be somewhat consistent with what the west side is now. The trees specified in the 1986 need to be revisited. The trees south of the Capitol are Autumn Purple Ash. The Emerald Ash Bore has made them a problem.

The trees would be far enough back to canopy over street but not the median, requiring less pruning. The extra 20 feet would provide a better view of the Capitol. When the trees are too close to the street, that corridor view is blocked. If the standard is followed where the sidewalk is 10 feet back, all of the trees will be going in the opposite side of the sidewalk; not in the yard, but in public right-of-way. They're still

public trees on public land, but it's an extra wide right-of-way with room to locate trees farther back as opposed to adjacent streets which are 20 feet shorter.

Michelle Dobszewicz, 1319 Goodhue Boulevard, came forward and stated the tree in front of her house fell and smashed her fence. She came very close to death. Dobszewicz was with a dog and a friend outside when the branch fell onto the property. Dobszewicz called about the tree several times and would like that tree removed. The tree is dangerous. The trees are past their prime. The tree in front of the property has been dying for years. Dobszewicz said the tree is going to fall some more, and she would like the tree removed for herself and her neighbor's safety.

Opposition

Kendall Weyers, 2443 S 19th Street, came forward and stated he is employed by the Nebraska Forest Service, served two terms on Lincoln Community Forestry Board, and is an ISA certified arborist. He is speaking for himself, not for his employer or the board. Tree Risk Assessment Qualification (TRAQ) credential training has a detailed process for tree risk, and is the industry standard. Considering the statement from Parks that the trees need to be removed this fall due to their deteriorating health and safety concern, it appears Parks did not follow the standard process. No arborist would recommend removal. The terms declining and dying have been used. All trees decline and it can take decades. Trees are still providing benefits and that should be part of the equation for removal. Mitigation would be to prune and monitor the trees. ([exhibit 3](#)) Trees C and D are dead and not on Goodhue Boulevard. Why are C and D not marked but A and B are? It seems from the request, the removal is slightly justified by sidewalk removal. It is circular logic of two separate issues. In addition to the marked 30 trees, dozens of other trees would need to be removed for the sidewalk move. Are proposed sidewalk changes even feasible? They are not feasible, due to space limitations. In photo E, sidewalks are on the property line. Trees would be close to buildings, and that is not appropriate space for a tree. The current trees do not block the view of the Capitol. The current location is perfectly fine. It is not worth the cost of slightly broadening the view, moving sidewalks and the impact on residents.

Bergt asked about some of the trees like in photo A (the worst tree) – is that tree okay to stay?

Weyers stated he would not make recommendations on individual trees. He could see the tree in photo A being removed, though it survived 80 mph windstorm. Pruning branches would be low cost, allowing the trees to provide benefits for however many years they will remain. The trees may be at the end of their life but there are still benefits.

Bergt stated that cutting that tree down and replacing it with a new, healthy tree would provide benefits.

Weyers stated a new tree would provide benefits and needs to happen. If the intention was to replace trees, it should have been occurring. He encourages the sidewalk decision to happen soon.

Mark Wilson, 1812 D Street, came forward and stated the proposal is to remove nearly every mature tree along Goodhue Boulevard. Trees provide value for community. Replanting would not provide similar value for decades. He has two kids, with one of them currently at McPhee. The impact on the community would be severe and decades long. The replanting plan should be implemented as soon as removal is planned. He is troubled by no urgent replanting plan. Concerning the sidewalk, there is ambiguity about the tree removal and its relationship with the sidewalk relocation. The sidewalk relocation plan puts pedestrians closer to traffic. He cannot identify a community benefit but can identify detriments. If NCEC were to delay this vote, he hopes Parks would take the opportunity to engage more with the community. They could implement a staged plan for removal and planning, starting with the highest-risk trees. This type of plan would require additional time and delay of this vote.

Rosina Paolini, 1850 Dakota Street, came forward and stated she feels fortunate to learn about the Goodhue redevelopment plan, which is more than a matter of design standards. She feels fortunate that she is entitled and able to attend an 8:30 am Friday meeting, when most people are impacted with work. Those who live on Goodhue Boulevard may know nothing about how their neighborhood will be realigned. While the Near South Association was notified, those on Goodhue Boulevard were not notified. Lack of resident notifications and proper outreach with citizens are persistent with project planning and it needs to be changed. She appreciates the lavish renovations that Bob completed in the Capitol and the attention to period and detail. When the lavish renovations affect the Goodhue streetscape and the residents without notification, the lavish renovation lacks cost effectiveness for a view. The cost is lavish to Lincoln residents. The Goodhue redevelopment plan proposes realigning the sidewalks that were recently replaced with curb cuts. Porches and front yards will be realigned for this view and it will impact use for already small green space. The lack of trees and newly asphalted streets in the neighborhood will be hot during summer, without a tree replacement plan, leaving it without a protective tree canopy, for a view. The cost for the sidewalk realignment project is too lavish for residents to not be included in the decision-making. At the very least NCEC needs to delay the project until proper outreach has been made to understand the rationale for the benefit of this view.

Paolini addressed Gebhart: before the 90s we were on a 4-6 year pruning cycle. Then it was extended to 16 years, for a time, it was 32-year pruning cycle, and she is not sure what it is now.

Paolini addressed D. Johnson: she has a Pin Oak dying in her front yard. It has dry rot. She went through a city forester inspection hoping to get it removed and the forestry inspector let her know he would be back in five years. As long as she watered the tree and pruned, it should be ok. It speaks to the need of a tree canopy inventory that city councilperson Washington proposed, and funding for that so we know the condition of our trees. When we replace them, we should be placing young trees alongside mature trees. They talk to each other, improving sustainability and life of the new trees. Most importantly, we don't want to overheat Goodhue Boulevard and its residents. She lived at 15th and F Streets. She can imagine living with no trees and black asphalt and how it could feel on a 105-degree day. We are in the middle of a drought, so it doesn't make sense to plant trees right now.

Micah Leamer, 1745 S 11th Street, came forward and stated he would ask for the vote to be delayed because the community has not been properly engaged. The argument that they have been properly engaged was that they met with the Near South Neighborhood Association (NA), which may have been the only thing that has been done. Parks should know this is not sufficient; other organizations, such as the South of Downtown Community Develop Organization, would set up a meeting for Parks. The Near South NA is exclusive and only allows membership to owners, not people who live here. He is not allowed to join that organization. He had to find out last-minute and very indirectly. This is a complex thing, and an imperative for time, but the imperative for time could have been mitigated by Parks if they had reached out to the community at large properly and in timely manner. The 1986 plan was put on hold 15 years ago. Nothing was done in meantime to do this process slowly which is a concern to him. There's a lot going on: the sidewalk realignment, timed funding, and risk mitigation. As community member it is confusing and he can't be expected to understand last-minute without being able to talk to others. The community has not been properly engaged. He urges Parks to change their practices. It should never be the case just to reach out to the Near South NA; there are other organizations to reach out to that would just would need an email. Parks have not engaged with the neighborhood, and he would like to understand fully the plan. He is sorry there is a timeline to adhere to save funding. That is reasonable to take into consideration, and he doesn't understand, but he could have understood with engagement.

Diane Walkowiak, 1600 Sioux Street, came forward and stated the proposal is appalling, to take away beauty and habitat and shade, increase utility bills for those who can least afford it, and will make Goodhue Boulevard look like a tornado hit. It will

take years to get back. The Capitol Environs Guideline 25.3 calls for a tree replacement plan. Would think it would be a gradual process rather than this butchery that appears to be motivated by availability of federal funding rather than reason. The trees are stressed, as we are in a drought. There are some trees that need removal. Trees like this have years left. Trees like Oaks lose lower laterals. Our tree has been doing so for over a decade. There is a tendency by Parks and Recreation, to remove instead of prune and maintain. There was a claim that a tree is hollow and chopped down for safety, and it was not hollow. There was a tree marked for removal because it hadn't leafed in Spring; years later, it's fine. Parks can wait on some of these trees. The sidewalk issue complicates the trees. The sidewalk alignment plan is physically impossible. The sidewalks on the west side are already aligned with the north block with the exception of the block from F to G streets. There is no room to put the trees on other side. The buildings on the west side are closer to the street than buildings on the east side. Unless you are also going to start ripping out buildings. This needs to be talked about soon so we can avoid issues like this about replanting trees. She understands the need for regulations surrounding the Capitol. The residential environment on the south side needs to carry some weight. NCEC should not just be concerned about aesthetics but the needs of the people in and using the area. She would urge a slower, more refined approach to the tree removal with pruning, and monitoring, and a tree replacement plan that is gradual and well thought out.

Molly Phemister, 1963 Garfield street, came forward and stated she used to live on Goodhue Boulevard and in 2013 or so there was a meeting about the sidewalks at McPhee and we were opposed to it. They didn't want the trees taken down for the sidewalk realignment. They just wanted to solve accessibility issues. She is asking to delay the vote, and to look at the sidewalk realignment issue. It costs too much, it is not necessary and it is ecologically too expensive for this planet to rip out and put in new concrete. Cement is a massive polluter. The reason why we haven't had more shadow planting to protect the forest for the residents is that sidewalk realignment plan. Once that plan is scrapped, the replanting can begin. There are some trees on Goodhue Boulevard that should come down. There are other trees in the neighborhood that need to come down. There are trees on Goodhue Boulevard that should not take precedent over other dead trees in the neighborhood. Get trees planted and growing, then we can proceed incrementally.

Jason Ables, 1200 S 23rd Street, came forward and stated that this is not a whole plan. It is half a plan. We've heard a lot about safety. Anybody who lives in the Near South has those thoughts in their own neighborhood. There are several trees within a block of him that have been marked for two years, with limbs that have fallen after being marked. How can you prioritize this street beautification project when you have a city department that can't keep up. If there is a plan, where is it? Talk people through this.

He is asking NCEC to vote no, forget the delay. Get back to us when there's a plan. Pin Oaks can live 120 or so years, and these are 80- or 90-year-old trees. It speaks volumes that we have to get a private contractor in to do this, and it is concerning. Whatever the plan might be, how will it be maintained. There are 130,000 street trees and why these 30 are important is questionable.

Serena Free, 1200 S 23rd Street, came forward and stated she lives in the Near South neighborhood. She lived on Goodhue Boulevard for a long time, but lives closer to the Sunken Gardens now, but she still walks her dog and rides her bike multiple times a day on Goodhue Boulevard. It is important to recognize that the design standards and the plan is the beginning point to reassess the plan for Goodhue Boulevard. There are bigger issues such as community issues that have been brought up in terms of what Parks has been doing for remediation, pruning and maintenance. That is outside of NCEC's purview. It is a broader city issue that needs more attention. She encourages NCEC to vote no. This is less than a half a plan or quarter of a plan. It should be fleshed out, and there is a lack of community engagement. It falls on city departments and not NCEC as a body. LTU is going to be pivotal for the sidewalks. The sidewalks are now all ADA accessible and it is a safe and comfortable environment. There are illegitimate safety concerns and unnecessary waste to move the sidewalks.

Christina Brantner, 5224 S 61st Street, came forward and stated she lived south of Goodhue Boulevard for 30 years. She was born in the Black Forest and came to Lincoln in 1987. For a city of trees, she is appalled that the unit in charge is suggesting so many have to be killed at once. The reasons seem to be money availability, pseudo public safety, and it seems in the U.S. public safety may be reason for all kinds of bad decisions. A limb could fall, but that is always the case for trees anyway so that shouldn't move us to bad decisions. There is a 1986 plan about sidewalks. Don't businesses revise plans? Why has a plan from the 80s not been revisited. The world has moved forward and environmental concerns have changed. The 1986 plan should be retired quickly. The city department that should be there for trees and the life, should be funded more. What should we do as citizens to help a department that suggests killing versus pruning. She was born in the Black Forest and trees are her relatives. Killing a tree is like killing your cousin. Each of you will be responsible if you vote yes. There is no plan for new trees. Get them please to get you that plan that there will be trees planted. It will take decades for trees to come up. It will look like a bomb hit waiting for these trees at the Capitol. Is that what you want? We white people we are capitalists, we want the money and we want it now. It is killing this world. Please delay.

Concerned Resident, 919 Goodhue Boulevard, Apartment 3B, came forward and stated he didn't know any of this was going on. There have been valid points such as

risk assessment and public safety. This seems to be a sidewalk issue. There needs to be reassessment of the half-plan concocted. Citizens are mad. He urges NCEC to vote no to buy time and develop understanding from the community. This is one of the most walkable neighborhoods in the city and you're thinking about turning it into a desolate place. The houses are not perfect. The tree cover hides a lot. This is one of the lowest-income neighborhoods in the city. This is Section 8, low income. You are taking a quality of life measure and removing it from those residents. It seems this is an issue about sidewalks versus trees. Wait for them to die and start falling over. Prune them. Listen to citizens.

Marcie Young, 1901 Prospect Street, came forward and stated she serves on the executive board for Near South NA. She is speaking as a citizen and to give a report on the last board meeting when Stuckey-Ross et. al. gave a presentation one week ago Monday. They gave a thorough presentation. The Near South NA board didn't have the other concerns that were brought up. Mr. Ripley's presentation on the 1986 sidewalk realignment plan – she remembers, but didn't think was brought up as an issue. It seems to be an issue because of the replanting and how we adhere to the 1986 directive within the next six months. The money is running out in 2025; they can't work through sidewalk issues and plant trees in the Spring. It seems to be a money issue. She agrees with the lack of community involvement. The boundaries of the Near South NA are 13th to 27th Streets and South to G Streets and are widely regarded as being representative of most of the area. The gentleman who spoke before is Everett, which is from 9th to 13th Streets, and South to G Streets. Near South is a Neighborhood Association and welcomes everyone, including renters, retirees, businesses, churches and schools, and are trying to be more inclusive. She recommends denying approval but to reallocate the money. There is a bigger issue here.

Mary Roseberry-Brown, 1423 F Street, came forward and stated she owns property on Goodhue Boulevard. She was not notified about this. She is here on behalf of the residents of Goodhue Boulevard who weren't notified and all the children and adults walking along Goodhue Boulevard, benefiting from the canopy of Oaks. She is here on behalf of Heartly Burr Alexander who provided the mystic symbolism for the Capitol. He would have valued the oaks on Goodhue Boulevard. The Oak is a symbol of royalty and wisdom. It is up to us to decide if we want that tree canopy to continue or if we want it to be reduced to little gum drop trees. With the sidewalks being moved to curb, there is no room for the trees in many places. No room for any tree, let alone a big canopy tree. At 1035 Goodhue, if the sidewalk is adjacent to the street ([exhibit 4](#)) you would need seven feet to prevent uplifting of the sidewalk by the roots. It would be nine feet and 21 inches from the proposed tree line to building, which is not enough room for the tree. Across the street is not big enough for a canopy tree, either. Mr. Ripley would be happy to remove the canopy, because it blocks the view of

the Capitol. The rest of us appreciate that the trees make a beautiful frame looking toward the Capitol. We have the choice between realigning the sidewalk and having no trees or few trees. Neighbors said they do not want the sidewalks and tree canopy moved. This time they were not notified. She requests continuation of the meeting.

Todd Sandsted, 3149 Fletcher Avenue, came forward and stated he is speaking as a citizen of Lincoln. He lived near Goodhue Boulevard in the 90s and 2000s and walked or biked there every day. He is astounded by the beautiful tree canopy. Parks has an immense and thankless job, and it seems they do it well. Whenever he has been in touch with them, they immediately answer concerns. He liked the presentation that was given, and he understands the health of the trees in question. He would like to urge NCEC to vote against the present application for a different reason. The presentation focused on trees, but the staff report leans on the 1986 master plan. It seems the master plan needs to be revisited. He would like to see the removal plan based on the health of trees themselves, not justified by the Capitol master plan. He would like to have the opportunity for public debate and public hearings, and have the master plan revisited. He shares the concern of Roseberry-Brown and others considering the placement of sidewalks. There is perhaps a safety issue that needs to be revisited in a separate venue. Housing between G and A Streets is older. The west side is built close to the street. If the trees are removed, and the sidewalk was moved, there would only be space for dwarf and medium trees, as opposed to the larger trees we have today, and the grass strip could be replanted. He would urge NCEC to vote against.

William Wood, 808 D Street, came forward and stated he owns 142 feet fronting on Goodhue Boulevard and other buildings in the neighborhood. He is appalled he didn't receive notice on any action the city takes. Most of us only found out last minute. He filed a motion for continuance on the matter and Roseberry-Brown did as well. Why these trees all of the sudden? He can't help but think it's based on the ill-conceived sidewalk movement. We've spent thousands of dollars putting the current sidewalks in. Moving them closer to the street would be a safety hazard for pedestrians. In 2013 he went through this issue with parks once before. The outcome was the trees would be allowed to live out their natural lifespan. He recommends this be continued, that there be a meeting with Parks, and to use industry standards to evaluate health of individual trees. If NCEC doesn't wish to continue, he asks them to deny.

Sara Mann, 1450 C Street, came forward and stated she's lived on Goodhue Boulevard for the last six years, and downtown for the past 14 years. She would like NCEC to vote no or for a continuance. Mann found out about the meeting because someone took the time to post on a pole on Goodhue Boulevard. ([exhibit 5](#)) That is disconcerting for all of the reasons others have said.

Anastasia Finner, 2315 D Street, came forward and stated she has been a Lincoln resident for a decade. She doesn't have a car. She walks and bikes. The shade on Goodhue Boulevard is a reprieve in hot times. It's ridiculous that the citizenry was not notified. She was sent an image of the paper on the pole that a meeting was happening. Without a car, it's hot and there is no shade in stretches. It's unbearable. She feels a lot of frustration about the whole tree situation in Lincoln. There was no conversation with citizenry. Following the July storm, there are trees on D Street that have broken branches. Lincoln hasn't done anything to remove trees where there is an actual call for safety. She has been on D Street after storms, and the street can be inaccessible. On 13th and D the branches were there for a long time. There are broken branches hanging over pedestrians' heads on other streets. We deserve to be informed. Where is the communication and the standards. Why is there money we have to spend when there are more dangerous trees about to hurt someone. Last City Council meeting a gentleman stated a branch fell on his car, he alerted the city, and within a month the same tree branch fell and hit his car again. No citizen engagement. Maybe knock on doors and have someone come talk to us. There needs to be a transparent process, with trees designated as healthy or unhealthy. This is a sidewalk project nobody wants. We have sidewalks that work and don't need replaced. Branches hanging in the trees need to be addressed, instead of leveling an entire neighborhood. This would affect poor folks and we need to look at this as an entire community.

Allie Christensen, 901 D Street, came forward and stated she has testimony from two individuals: Lizzie Turner – a renter in Near South. Her family found enjoyment from Goodhue Boulevard and chose that path to walk downtown. Beautiful trees lining the street should not be removed without a replacement plan. Dangerous trees are left unattended for years. There are trees removed without being replaced. She asks the city to prioritize removing dangerous trees and have a replacement plan.

Andrew Dominguez Farias – 1900 K Street. He can't speak to the quality of the trees, but his background is in community organizing. The city is making decisions without community input. Without taking community voices into consideration, it erodes community trust and decreases community engagement in the future. When people show up, it highlights that they care deeply about what is at stake. The city needs to hear the community, especially if there is no plan.

Christensen would contribute toward listening sessions to give impact and give feedback. The F Street Community Center is a good place for that. She is confident if NCEC votes to halt for now to seek more feedback from impacted neighbors, it can make this better. Many folks can't be here today because they are working multiple

jobs to make ends meet. This area is over 90 percent renter, very low income, many ESL, and kids that attend McPhee Elementary. The neighbors are left out of conversations like this that will impact them for many years to come. Pause to put together a plan for those most impacted so all neighbors can thrive.

Applicant Rebuttal

Stuckey-Ross thanked everyone for coming out and caring about the neighborhood. Parks is in the neighborhood every day, has the F Street Community Center, and cares about the residents and the area. She looks forward to working together with the community for years to come.

Bergt asked if trees in disrepair need to be replaced. Is there a notification process?

Klingenberg stated yes, they planned outreach for Goodhue after they hire the contractor. There is a hang tag that is placed on the homes. These have not been distributed yet for this project. With multiple residents, it's hard for multi-unit areas.

Bergt asked, for multiple trees, will there be hang tags for the whole street, and what do the tags say?

Klingenberg stated yes, it states a tree will be removed, has Parks contact information, the voucher program, and the tree number removed. They are hung on doors.

K. Johnson asked if the tags are placed after the decision to remove the tree has been made.

Klingenberg stated there is usually a 24-hour window for contact, unless the tree is in danger of failing. In that case, it would be removed as soon as possible.

K. Johnson asked if the contract is signed with the contractor before the tag is put out.

Klingenberg stated he would sign the contract and have a plan in place before hanging the tag.

Bergt asked if there would be a plan to replace if multiple trees are removed, without factoring in the sidewalks issue. How and when is the decision made for replacing multiple trees?

Klingenberg stated they do the vouchers for the single trees. They don't do a lot of large removal projects because it is devastating, but these are actively declining and dying trees. The trees are falling apart and crumbling.

Gebhart asked if the funding is specific to Goodhue Boulevard or can it be redistributed through the city?

Stuckey-Ross stated the funding has requirements for Census-tract areas. Knowing the funds available and the trees that needed removal, Stuckey-Ross was the one who designated this area for the tree removal. There are other qualified census tracts that they could be using this money in. She has determined, with support from the forestry team, that this is where the money should be deployed.

Gebhart asked if the money is required to be used in one single census tract, or could it be used in multiple?

Stuckey-Ross stated it could be used in multiple tracts, but they would see a drastic change in how much they are paying. Mobilizing a crew to remove a tree is expensive. They wanted to maximize the federal dollar.

Gebhart asked if the funding is for removal and replacement?

Stuckey-Ross stated it could be used just for removal.

Bergt asked if Parks removed trees elsewhere if they could find funding to remove and replace the trees along Goodhue Boulevard.

Stuckey-Ross stated it would be essential that we do that. It becomes a shell game. How we mark trees is how we allocate resources. They would need to find funding, but they wouldn't have replanting money.

Bergt stated there would be funding to remove trees due to safety hazard, but may not have the funding to replace.

Bergt asked if Parks has to use the money by December 2025, if a delay would impact their ability to get the money allocated by December 2025.

Stuckey-Ross stated that they can prepare a replanting plan. Her staff began that process when they were using the 1986 plan. She didn't know about the sidewalks. She didn't know about that plan and wasn't in this role in 2013. Some species are not trees we plant anymore. Places that were indicated for planting we would not use today. That's why we don't have a plan today. We want to revisit the 1986 plan and have NCEC permission to do it differently. The sidewalk has complicated this. She was surprised by it. It is in everyone's best interest to get trees in as soon as possible. She

doesn't want to follow the 1986 plan and has some suggestions for NCEC. She needs some clarity for the sidewalks. They are reliant on a private contractor and is not sure of contractor timelines. They do have a contractor now who can do this by the end of the year.

Post clarified that she is hearing from Parks that they started to put together a plan, but came up against the sidewalks issue in this 40-year-old plan, and believe there are other issues with the plan that don't serve the neighborhood.

Stuckey-Ross said there are multiple reasons, including tree species that would die right away due to current pests.

Bergt stated she understands the spacing and species can be re-examined. The goal with the plan was, if we are removing this many trees can we look at this again and decide if it is a good plan. She thought that was the NCEC role; it's not to tell Parks whether the trees should be removed.

Post stated what is front of us is the certificate for removing the trees.

Christopher stated the Planning Department opinion is, because of the number of trees planned for removal, this is a change requiring approval through a certificate of appropriateness. There is some overarching power Parks has for the removal of trees that have imminent health and safety risk. Both of those things can be true that NCEC can provide guidance and offer approval or denial of a certificate of appropriateness and Parks might have authority for imminent risk deemed to be at that level.

Bergt stated she is not skilled like our foresters to tell us whether these trees need to come down due to safety risk. She doesn't feel comfortable to say they can't take the trees down. What happens if tomorrow a limb falls on something?

K. Johnson suggested that the board entertain a motion according to Planning recommendations that the proposed tree removal along Goodhue Boulevard generally conforms to the Design Standards, primarily due to safety, and there be an approval of a Certificate of Appropriateness with conditions.

Post moved approval of the Certificate of Appropriateness, with conditions, seconded by Bergt.

Post stated she shares concerns for removing trees without plans for replacement. She appreciates the clarification that Parks would prefer to have a plan for replacement, but their biggest concern is their obligation to follow a plan that the

neighborhood has told us doesn't meet their need and they are not in favor of. She appreciates that context for why we don't have a replacement plan now. She hears the concerns for removing the trees without a plan for replacement, and the concerns for public safety, especially in a densely populated neighborhood. She supports this, but wants to clarify that when we talk about these conditions in a strategy for realignment, she would like to see community engagement in regard to that process, and a strategy for realignment or no realignment if that's what comes out of community engagement. Finally, one of the pushes to remove trees now is so they can be replanted in the Spring. But that community engagement needs time. She is in support; she shares concerns about the plan but is in support due to public safety concerns.

D. Johnson stated he is concerned about not having a replanting strategy in place. He is not an arborist, can't speak to health and safety, and the trees look healthy to him. He is not comfortable removing the trees. He is not in favor of the motion.

Gebhart stated she can't support without a replacement plan. Removing trees changes the view of the mall. She can't support it from the commission perspective. Also, as a community member, she would like to see funding reprioritized, to scatter to other census tracts, and other blocks. There is greater value in a neighborhood approach.

Bergt stated she supports the tree removal. She doesn't like removing trees, but when they are old and a hazard they should be removed. When we plant new trees, they are for future generations. She wishes there was a plan. She trusts Parks will develop a plan. She is glad there is funding for this project rather than trying to piece it together with other sources.

K. Johnson stated he is in favor due to the safety aspect. The trees need to come down and the replacement plan needs to be quickly put together once the sidewalk issue is resolved by LTU.

Gebhart asked whose purview is the 1986 plan?

Christopher stated the Design Standards, which incorporate the master plan, are under NCEC purview. He suggests, if the board recommends approval, that they look at conditions recommended by city staff, and decide if they are appropriate or if you have guidance with the city sidewalk issue. To clarify, the sidewalk issue had nothing to do with Parks' removal of these trees. That is a completely separate issue, which does complicate the replanting process. It is crucial to provide direction on how to proceed with the sidewalk approach, whether that be giving the City authority to

meet, do community outreach and come up with a determination, or if the commission has specific recommendations that the plan is not appropriate anymore. Either way, staff would like some direction. That is crucial for moving forward with a replacement plan in a timely manner.

K. Johnson stated NCEC doesn't have the information for a sidewalk decision. It needs to be looked at by the City to determine if it feasible, much less encouraged or desired by the neighborhood. He would feel comfortable delegating to Planning and the experts to resolve.

Christopher stated he would recommend tweaking condition two.

K. Johnson said he would be satisfied with that.

Bergt stated she would volunteer her services for board representation.

Post stated amendment to condition 2 to direct Parks to work with Planning and LTU to engage with the community to update the east and south mall plan approach regarding the sidewalk realignment strategy. We need to revisit the sidewalks and the tree species. The plan needs to be updated.

Christopher stated there are things in the standards where we look at intent versus wording. Tree species would be one of intent. We can change the species without requiring a text amendment. The sidewalk issue is substantial and would need NCEC approval and ultimately City Council approval.

Post stated there is a 1986 plan that says the sidewalk should be aligned, we've heard from the neighborhood that there were meetings, and they were against it 20 years ago. We may be back in 10 years again talking about sidewalks.

Johnson asked Post if she would serve on a committee.

Post stated she would leave it to the Departments to set it up but would give input.

Johnson asked Bergt if she would be willing to serve on a committee.

Bergt stated yes but would like more information.

Stuckey-Ross stated she is happy to be part of that conversation, and they have feedback to offer right away about the ability to fulfill their mission.

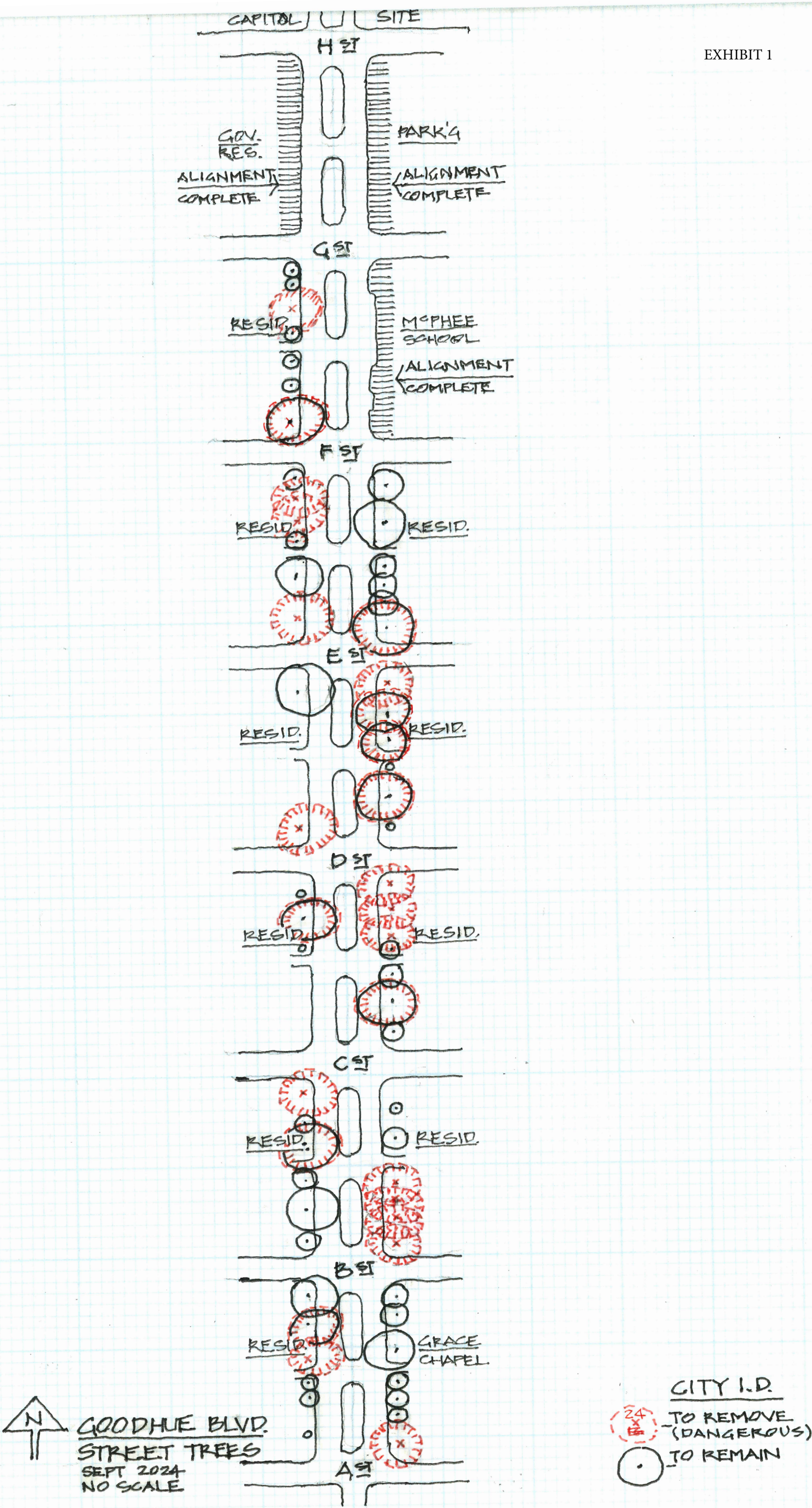
Abby Littrell, City Attorney, came forward and stated the commission is now in voting session, and public hearing is closed. It is improper to take additional testimony at this point.

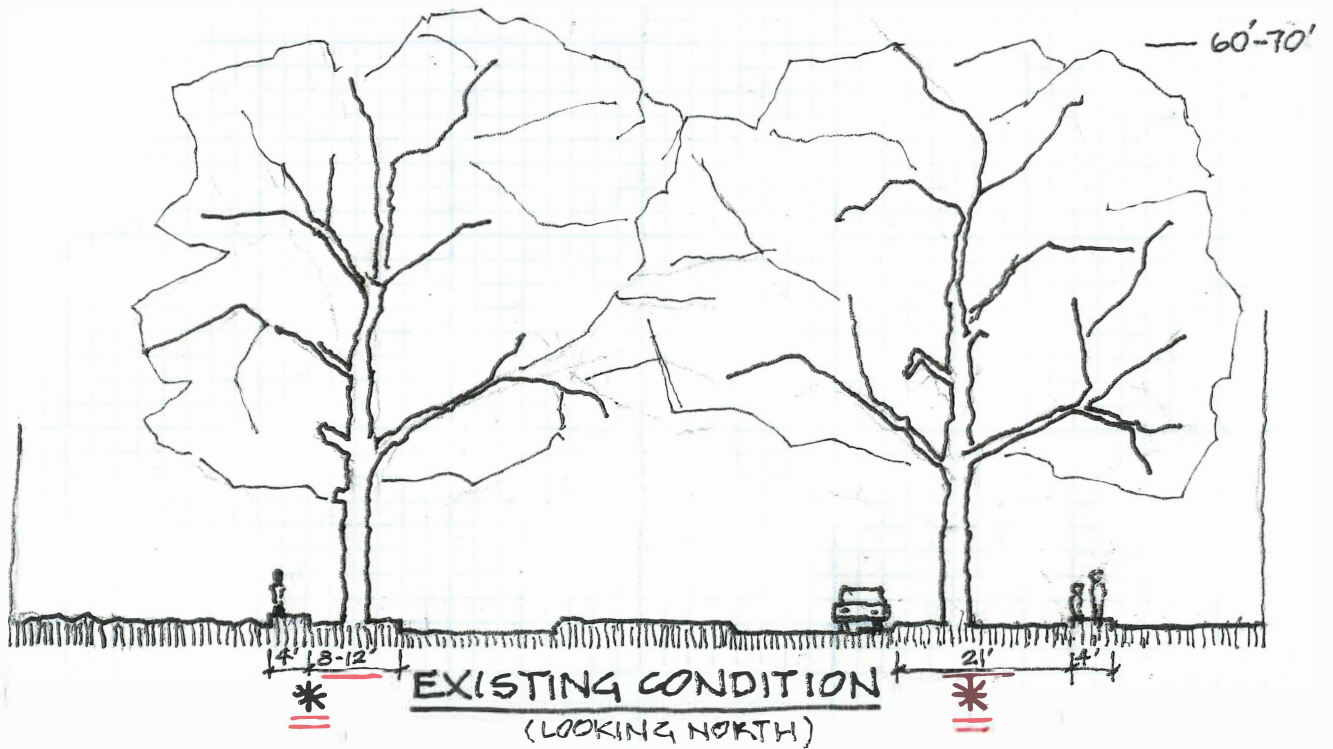
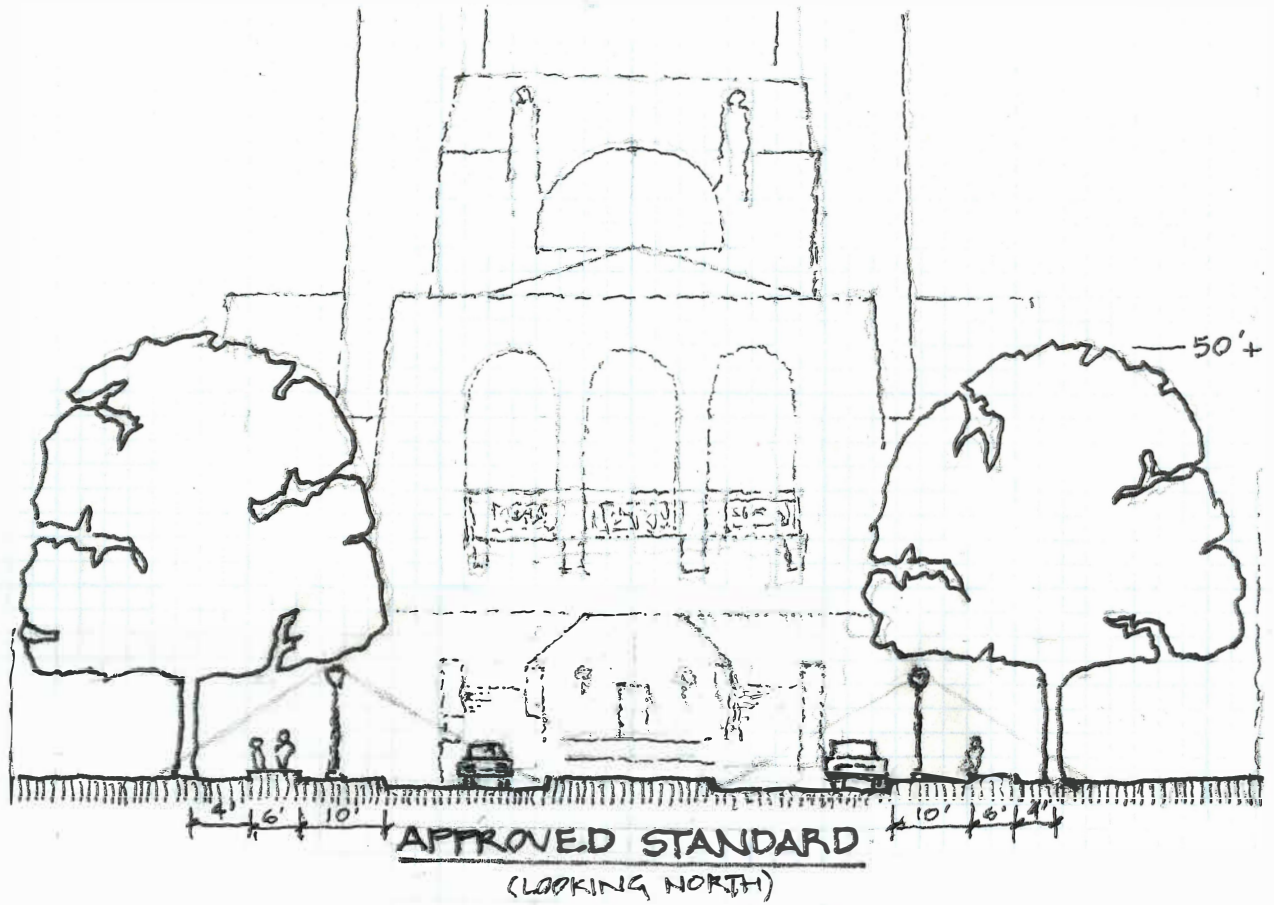
Motion failed for approval due to lack of obtaining four affirmative votes; 3-2; Bergt, K. Johnson, and Post voting 'yes'; Gebhart and D. Johnson voting 'no'; Quade and Cuca absent.

STAFF REPORT AND MISCELLANEOUS:

Christopher noted that looking ahead, the next meeting is set for November 12th at the State Capitol at 10:00 a.m. in Hearing Room 1507. This will be a joint meeting with the Capitol Commission, followed by NCEC's regular meeting at 11:00 a.m. in Hearing Room 1525.

There being no further business, the meeting was adjourned by at 11:09 a.m.





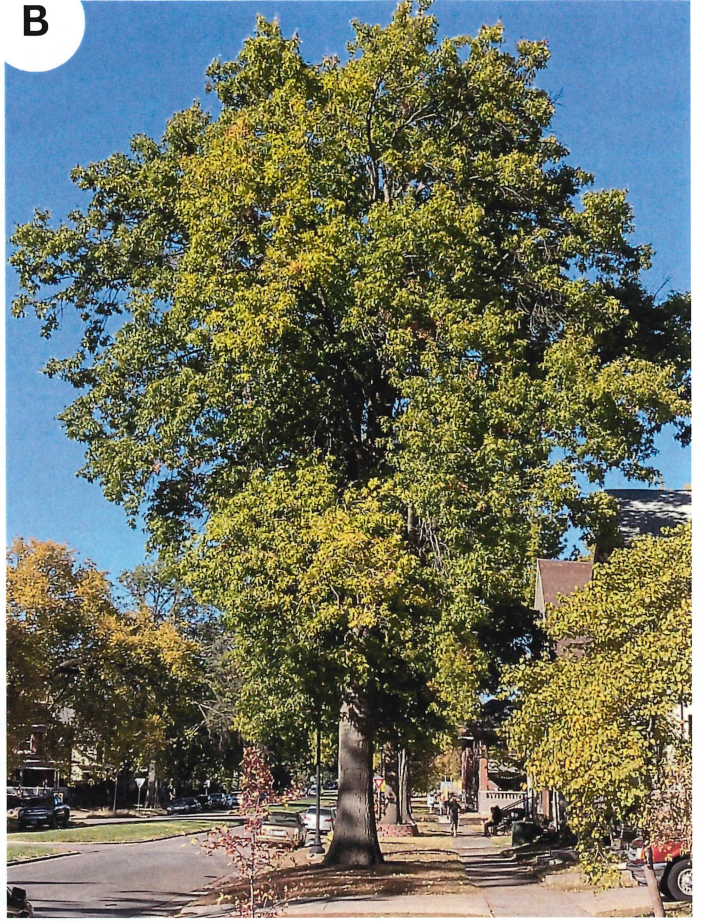
GOODHUE BOULEVARD

NEBRASKA CAPITOL ENVIRONS DISTRICT
SEPT. 2024 KCR

A



B



C



D



E



Existing trees doing their intended job of framing the Capitol, drawing viewers eye to it while screening less attractive views to the side.



Photo support of Goodhue testimony by Kendall Weyers



EXHIBIT 4 , PAGE 2





The Pin Oak trees along Goodhue are marked with large red numbers and are to be cut down by the end of December 2020. Most of them are still healthy and are maintaining to be safe.

STOP the city from CUTTING down the TREES!

The trees need your presence at the Capitol Environs Committee hearing

Encourage the city to maintain the trees instead of cutting them down and to replant those that have already been cut

- 1. It is more cost effective to trim dead branches than to destroy a tree. Far less.
- 2. The trees can continue to make shade and cooler temps until the NEED to.
- 3. Habitats will be lost. People will lose the tree canopy that provides safety.

If nobody shows up then the plan will move ahead

Friday, October 25th
8:30 a.m.

City Council Chambers

555 South 10th

You can also email—
plan@lincoln.ne.gov

Put "Capitol Environs Commissioners" in the subject box