

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 7, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Seng; Council Members: Camp, Cook, Fortenberry, McRoy, Shoecraft; Paul A. Malzer, Jr., City Clerk; Absent: Johnson.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of Jan. 31, 2000, reported having done so, found same correct.

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

MAYOR'S AWARD OF EXCELLENCE

Mayor Wesely: It's my honor, privilege to announce the December 1999 Mayor's Award of Excellence winner for City of Lincoln. His name is Curt Faust and Curt is a Firefighter with the Lincoln Fire Dept. And, Curt why don't you come on up here and join me. And, I'd ask Mike Spadt, would you mind coming up, too? I'll read the reason he won this award so you can have a chance to see him while we do that. Curt is a Firefighter and he's been one since April 1995. He was nominated for this award by Captain Moser who noted that Curt spends a great deal of his time working to improve and constantly upgrade his firefighting skills. To give you an example, Curt is currently working as Fire Station No. 1 street map coordinator and he works on his day off as a meter reader which enhances his ability to better learn City streets and addresses. Curt, also, studies for and takes entry tests in other firefighting areas such as fire engine and operation and emergency medical skills. Curt has a degree in Fire Protection Technology and has worked as an instructor at the Southeast Community College teaching classes in fire detection and suppression systems. Captain Moser summarizes the reason Curt was targeted for this award by stating, "Curt is a very capable, thorough, and safety conscious person who aggressively pursues the training and education that he needs to do an extraordinary job for the Lincoln Fire Department. Curt is not a stranger to hard work. He's goal oriented, ambitious, exercises good common sense, and is a good example to others. For his dedication to his job Curt receives the Mayor's Award for Excellence for December 1999 and I'm honored to present it to him at this time. Congratulations!

Capt. Moser: I'm the one who selected Curt for this award. I'd like, first of all, to thank the Mayor and the Council for recognizing outstanding employees. And, I'd like to thank you specifically for recognizing Curt from the Lincoln Fire Dept. Contrary to popular belief our job is not all dramatic and requiring guts and glory, firefighting,

saving lives, and cheating death. A lot of what we do is routine, methodical just like training, studying, cleaning, and getting along with others. That's things that we routinely would do. For some people that come to the Fire Dept. thinking that every day is going to be action packed, though the very routineness of being on call and working toward a constant state of preparedness like we often do, becomes our greatest challenge. I found that people who can do routine things exceptionally well make the best team players and they're the ones both directly and indirectly allow the more spectacular, heroic parts of our job to be performed like pulling people from fires or disentangling people from wrecked vehicles or rescuing trapped victims on a grain elevator, an auger, performing lifesaving CPR, those types of things. As a team player, Curt has either directly or indirectly done all of those things. He developed good work habits as a young person and I'm proud to have him on Engine 1 as a team player and he makes my job more enjoyable than it already is. Thank you.

Mayor Wesely: Curt's shy. Thank you Capt. Moser. Chief Spadt would you like to say anything?

Chief Spadt: Sure. Sure. I, too, would like to thank you for accepting Curt as the Mayor's Award of Excellence recipient. He, give me 250 like Curt and I'd, everything would be perfect. Curt is a great employee, very conscientious, very enthusiastic, is a great team player and makes the Lincoln Fire Dept. a great place to work and I appreciate Curt. Thank you.

Mayor Wesely: Thank you very much for the opportunity to join you. Curt we're very pleased. Curt, do you feel like saying something now?

Curt Faust, Firefighter: I think enough was said already.

Mayor Wesely: He's done a great job. We're very honored that you received this award. Thanks for all you've done. Thank you members of Council.

Mr. Faust: Thanks.

PUBLIC HEARING

APP. OF DARRELL & CHERYL WALTON DBA THE SILVER SPUR FOR A CLASS C LIQUOR LICENSE AT 5100 N. 48TH ST. - Darrell Walton, 5100 N. 48th St., took oath: I'm applying for a Class C Liquor License for the Silver Spur. Is there any questions any of you would like to ask me at this time?

Jeff Fortenberry, Council Member: Yes, Mr. Walton, as you're aware of BJ's Hideaway provides a particular type of entertainment that the Council is now actively discussing, is it your intention to provide the same type of entertainment?

Mr. Walton: No sir. There will absolutely be none of that going on. It will be strictly Country Western. There will be no dancers, no nudity, nothing but County Western band twice a week.

This matter was taken under advisement.

APPROVING THE QUE PLACE NOTCH REDEVELOPMENT AGREEMENT BETWEEN THE CITY & CONCORD HOSPITALITY INC.; WHICH AUTHORIZES THE SALE OF PROPERTY & THE DEVELOPMENT

OF A RESTAURANT AT LOT 1, QUE PLACE ADD. TO BLOCK 36 - Tim O'Neill, Harding, Shultz, & Downs, 800 Lincoln Square, 121 S 13th St.: I represent the Concord Companies as the proposed buyer in this transaction. I'd be happy to answer any questions you may have on the sale.

This matter was taken under advisement.

VACATING W. "E" ST. BETWEEN S.W. 6TH & S. FOLSOM STS. - Danny Walker 427 E St: I have a question I would request the Chair to forward to someone who knows. I'd like to know who this benefits and what the intents are. There should be someone here, I would imagine, unless this is one of them Pre-Council deals that's already been decided.

Coleen Seng, Council Member: I'm sorry I did not understand your last comment, but I do not believe we have had Pre-Council on this.

Mr. Walker: Well I wanted to make sure that you did.

Ms. Seng: We have not had a Pre-Council on this.

Mr. Walker: Well, the Pre-Council I was referring to was on the storage lots.

Jonathan Cook, Council Member: I have a question for Staff. The road is being shifted is that the case this is basically we're vacating this road, but a new west-east street will be put in a little bit to the north?

Rick Houck, Planning Dept.: Vacating west E Street and platting a new street actually approximately a few feet south of where it is now. It'll be a 66 foot wide right-of-way and it will eventually, possibly provide access to a parking lot that Lincoln Plating may be getting by a special permit on this lot, on a lot being created.

Mr. Cook: Why haven't we pursued the conservation easement option instead? Not practical? Or, I've forgotten where I read the suggestion about that over this existing right-of-way that we're vacating.

Mr. Houck: There was no indication on the preliminary plat that there was a wetlands or flood plains on that area, on this particular area.

Mr. Cook: But this would be in regard to concerns about future fill since this is in a flood plain, it's near Salt Creek. By putting conservation easement over it we would prevent them from filling in this area in the future, is that ...?

Mr. Houck: Not in the flood plain.

Mr. Cook: Oh, it's not. It's just outside. It's just to the west of the flood plain. The flood plain generally on the east side of south 6th Street, S.W. 6th.

Mr. Cook: Just on the eastside, OK, which is close. So there's not the concern about fill even though it's not in the flood plain it's close is there some, any concern about that or?

Mr. Houck: There was none expressed with the preliminary plat.

This matter was taken under advisement.

AMENDING TITLE 26 OF THE LMC TO ADD A SECTION TO DEFINE "MINIMUM FLOOD CORRIDOR", TO ADOPT THE POLICY RECOMMENDATION RELATED TO THE COMPREHENSIVE STORMWATER MANAGEMENT PLAN, TO ESTABLISH A REQUIREMENT FOR THE REMOVAL OF SEDIMENT FROM STREETS, ALLEYS, SIDEWALKS, PUBLIC WAYS, OR PUBLIC GROUNDS, &

PROVIDING A PENALTY FOR FAILURE TO DO SO. (IN CONNECTION W/00-29, 00-30, 00R-38);

CHANGE OF ZONE 3216 - AMENDING TITLE 27 OF THE LMC TO PROVIDE GRADING & LAND DISTURBANCE REGULATIONS FOR THE AG, AGR, R-1 THROUGH R-8, O-1 THROUGH O-3, R-T, B-1 THROUGH B-5, H-1 THROUGH H-4, & I-1 THROUGH I-3 ZONING DISTRICTS. (IN CONNECTION W/00-28, 00-30, 00R-38);

AMENDING CHAPTER 20.12 OF THE LMC TO ADOPT THE POLICY RECOMMENDATION RELATED TO THE COMPREHENSIVE STORMWATER MANAGEMENT PLAN. (IN CONNECTION W/00-28, 00-29, 00R-38);

ADOPTING THE STORMWATER DRAINAGE DESIGN STANDARDS & RELATED CITY OF LINCOLN DRAINAGE CRITERIA MANUAL AS PART OF THE DESIGN STANDARDS FOR SUBDIVISION REGULATIONS. (IN CONNECTION W/00-28, 00-29, 00-30) - Ms. Seng: Paul do we need to put the substitute on for 12?

City Clerk: That would be a good idea. We did receive a substitute Attachment A for item No. 12 and I'd entertain a motion that we do.

Mr. Fortenberry: So moved.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

Steve Masters, Public Works & Utilities Dept.: I'd like to ask for 15 minutes for us to provide some introductory information about these ordinances and resolution. Also, it would be worth noting that it makes sense to hold off voting on the resolution until we vote on the ordinances, so I offer that. Speaking after I make a few introductory comments will be Art Knox who has been co-chair of the Mayor's advisory committee on stormwater. He also is director of the natural, a director, a member of the Board of Directors for the Natural Resources District., John Cambridge from Olsson Assoc. who has served as a technical consultant on this project, Don Taute who provides some legal background, and John, Glenn Johnson who will provide some final comments in closing. I'd like to show first a news clip and video footage that was taken at south Lincoln in 1996. The ordinances relate both to quality and quantity. The video footage that we show here demonstrates what happens in parts of our city where we did not provide adequate setback from the 100 flood elevations and building openings are located within that 100 year elevation. As you look at this also, notice in a little bit there'll be a street crossing, here it is, where there's capacity in the box culvert and we do have downstream flooding within Holmes. Again, this occurred twice in 1996. The storm event was judged to be less than a 50 year storm and it did have a detrimental affect for a number of homeowners in south Lincoln. These ordinances that we're bringing forward are considered to be proactive. They do not do anything for those homes that were platted and built before these ordinances. And, with that I'll turn it over to Art Knox.

Art Knox, no address given: Appearing on behalf of the Public Works and Utilites Dept. and Lower Platte South NRD. I'm a director on the NRD board and I served as co-chair of the Mayor's Stormwater Advisory Committee along with Julie Lattimer. This was a citizen's group of 10 formed to provide direction to the NRD and the City implementing the recommendations of the 1994 report on stormwater, and, in response to the flooding issues experienced in south Lincoln in 1996 as you saw on the

video. And, I might add that Coleen was a member of this committee representing the City Council. This project was jointly funded with 50% NRD and 50% City. And, the goal of the Stormwater Advisory Committee was to guide the proper development of an enhanced stormwater management for the Lincoln area. The ordinance and recommendations that are before you here today, even though not unanimous, had very strong consensus for these recommendations. The NRD Board of Directors on Sept. 18, 1999 adopted a resolution endorsing the recommendations developed by this Stormwater Advisory Committee and to urge the City to adopt the ordinances proposed to enact the Stormwater Policy recommendations and to pledge support and cooperation and the implementation of these policies. The two year process that has brought us here today has been long and deliberate. It has involved 180 stakeholders, multiple meetings, and three workshops. It has involved homebuilders, architects, landscape specialists, developers, engineers, interested citizens, environmental groups, elected officials, neighborhood associations, the homeowners associations. Kent Seacrest facilitated these public discussions. A design criteria manual was developed working closely with engineers. No major negative comment was received on the manual and many have said the manual is very rational. Our public, our final public meeting was an open house with the stakeholders and 50 attended to review the ordinances and design criteria manual. The biggest single group of stakeholders was the developer and real estate interest, and their comments fell in three areas. One, while they generally do not favor regulations a clear and consistent standard is appreciated. The new standard provides better safety and flood avoidance and it reduces developer and homeowner liability. Number three, clear regulations that level the playing field are welcome. Here are some of the individual comments and I think they summarize the importance of these proposals. We don't mind tougher criteria if it protects the public, but be sure it is uniformly applied. Downstream protection when upstream developers cause mud on the street and selling of storm storage they are not doing their job. New standards were reduced to cost to dredge our detention ponds. The pond in Williamsburg cost approximately \$60,000 to dredge. Developers and homeowners do not like flood plain creep caused by upstream urbanization. Local flooding is addressed whereby water is directed to the stream or drainage rather in basements. Tributary flooding insurances are provided in the ordinance that homes are not located in a 100 year flood plain elevation for tributary drainage. Many developers have voluntarily followed the spirit of these regulations. If the ordinance does not go forward a lot of volunteer developers won't go forward either. These are only a few positive comments received. I close by requesting your positive response to these policy recommendations. These ordinance, and policy recommendations offer a means of significantly improved, improving flood plain, flood prevention in developing areas, control sediment and erosion, urban conservation, and provide a basis for management of stormwater on a broader scale. I thank you for your considering these recommendations. We do feel that they are the right thing to do for the Lincoln community and the time is right for their implementation. I would now call on John Cambridge to discuss the engineering principals in more detail.

John Cambridge, Olsson Associates: I was part of the team that helped develop the technical portions of this over the long and deliberate process that Art outlined. What we were able to identify was that there were three essentially key management problems that can basically be brought into two basic categories, flooding, sediment, and erosion control. Flooding has basically two types of aspects where you have localized flooding where the water is trying to get from the grassed area or the parking lot through the existing buildings down into the collection system without going into the buildings. The other aspect of flooding problem is once it does get into the stream is there sufficient capacity within the channel, within the bridges and culverts to pass that safely through the system without causing additional flooding. The other aspect is controlling erosion and sediment control to make sure that we are not applying silt to sediment onto the streets. This is an example of localized flooding problem. This occurred back in 1996 where there was sufficient storm sewer capacity, but the Overland flow route was temporarily blocked. It caused flooding of cars and significant problems with the streets. This is an example of flooding. Once it gets into the channel the homes are built that are too low a level they're subject to increased flood hazard and on sediment erosion control we can have significant amount of sediment delivered to the streets and as Art mentioned significant sediment delivered into our detention ponds so that that flood storage capability is no longer there and there's a significant cost in removing that material. What we're proposing is that we try to do a better job of anticipating where the 100 year flood capacity, or flood storms are going to go to make sure that they are going around buildings not through buildings. That we have sufficient capacity within our streets so that once it gets collected there it continues to go down into a safe manner. At the bottom of the hills where the streets try to dump into an existing stream to make sure that there is sufficient capacity at that point that all that water that is collected can get into the stream to be safely conveyed downstream. And, that we continue to build our buildings to make sure that they are protected from the 100 year flood so that they aren't damaged after the fact. And, basically continuing to use storage and other best management practices to manage and prevent the growth of the 100 year flood so that we don't have flood plain creep. Now, one aspect of this that was brought forward in the Planning Commission was that we had proposed to use minimum corridors along streams to provide a repairing area preservation through discussion at the Planning Commission hearing that was proposed to be widened from the 60' buffer, 30' on either side to a 100' buffer that would be 50' on either side. And, in the packet information that you've been handed out there's some research that shows that that is a widely used width across the country that has been promoted by EPA in several communities around the nation so that it's consistent with what other communities are doing throughout the State, excuse me, throughout the country. At this point I guess I'd like to turn it over to Don Taute, he can talk to you a little bit about the ordinances and the legal aspects of what we're proposing. Thank you.

Don Taute, City Attorney's Office: I have been involved in this

process throughout, dating back to the original Stormwater Task Force. And, just without going through in detail all of the information. As you can see from the packets you have in front of you this has been a process, it has been quite deliberated and, I think, quite comprehensive. And, starting with the last community workshop in October we took the policy recommendations that the Stormwater Advisory Committee had made and was kind of our mission to try and put those recommendations into some sort of a legislative format and that's essentially what you've got before you today that there have been a few amendments made through discussions with various parties up to this point and time. And, just as a brief background this originally went to the Planning Commission in December of 1999. December 1st we had a public hearing. There were some issues and concerns raised at that time, we attempted to address those and make a few minor adjustments and then we had continued public hearing on December 15, 1999. Again, there were still some issues that remain unresolved and there was a meeting then held with Staff, Mark Hunzeker on behalf of the Homebuilders, and the Lincoln Board of Realtors, and Terry Kubicek who was representing the interests of the Friends of Wilderness Park and discussed a number of the other issues. As John Cambridge talked about one of the primary issues that garnered a lot of the discussion was the width that of the flood corridor that would be preserved and that is an area that we probably still have some discussion to come in light of the Planning Commission's recommendation to go from the 60' minimum width to the 100' minimum width which was the reason that you received the substitute standards for Bill 00R-38. Although we tried to place the Stormwater Advisory Committee's recommendations into legislative format, obviously, you know by no means, are the words chosen perfect and we have attempted to make some of those changes at this point and time to reflect, best reflect those requirements that, to implement the recommendations. As well as those recommendations we have certain requirements that have necessitated these changes as a result of amendments to the Clean Water Act which were passed back in the early 90's, late 80's necessitating the City's application for a Natural Pollutant Discharge Elimination System and PES permit for stormwater. We have made that application to DEQ. We have received preliminary approval and hopefully, within the next few weeks, not that I've heard a deadline or a submittal date or grant date yet at this point, but we are moving closer to obtaining the final permit for purposes of the stormwater discharge. With that I'd be happy to entertain any questions the Council may have at this time or though maybe address those after opposition comments. Thank you. I'm sorry I forgot to introduce, I shirked my duty, Glen Johnson with the NRD.

Glen Johnson, NRD: Thanks Don. Good afternoon Madam Chair and members of the Council. The City and the NRD retained a team to look at the economics related to the stormwater policies recommended by the Advisory Committee. The team of Layman and Associates, the Arter Group and also Environmental Sciences looked at the policies, applied them to a number of existing subdivisions and then with, based upon their experience came up with a report. They looked not only at the cost, but they also looked at the benefits, both direct and indirect, private and public. Some of those costs, and particularly some of the benefits are very

difficult to quantify. Some of them are more qualitative benefits such as water quality improvements, aesthetics, that type of benefit. The report concluded that the package of stormwater policies have a greater benefit to the community than the cost. Such cost may increase the cost of a new home in Lincoln by ½ percent was their best estimate. Approximately one quarter to a half of those costs are there today because of existing local state and federal requirements on stormwater and stormwater quality. As much as half of the other costs are already there today, also, because of the stormwater detention ordinance changes that the Council adopted and put in place a year ago in 1999. Planning Commission recommended, as several speakers have suggested, expanding the minimum flood corridor from a base of 60' to a 100'. The study team went back and looked at what that did to those costs and their conclusion was that this revision could add another tenth to two-tenths of a percent to the cost. So, instead of half a percent it could be .6 to .7% added to the costs. These proposed policies have been developed over an extensive period of time with significant and frequent public input, active involvement of a broad based citizen advisory committee, an experienced and competent consultant. They've been custom tailored for this City and in the best interest of its constituents. We encourage your consideration and adoption. Thank you and we'd be prepared to answer any questions that you have.

Ken Reitan, Wachiska Audubon Society of Lincoln: First off I just want to ask you if everybody received the letter and the accompanying materials that we delivered to your residences? Sorry about the way we had to deliver it, but when you do things at the last minute that's the way things work I guess. Our organization urges you to support and pass without weakening amendments the proposed revisions to Lincoln's stormwater ordinances and design standards as passed by the Lincoln Planning Commission. We would like to see (inaudible) strike them, but what is before you does represent a substantial improvement on what is in place right now. Our organization supports the minimum flood corridor as well as the provisions relating to erosion and sediment control. However, I will address directly only the minimum flood corridor today. According to a Master of Science Thesis by Rebecca Fitzmorris a student of Dr. Ron Johnson in UNL's School of Natural Resources, excuse me, School of Natural Resource Sciences, the average width of wooded stream corridors in Lancaster & Seward Counties is 180'. Therefore, if one considers only what is out there, the minimum flood corridor as passed by the Planning Commission is justified. The fact that these wooded corridors remain and have not been removed for farming purposes strongly suggests that problems can result from developing in closer to these streams. Hopefully, you received portions of three publications relating to buffer strips. These publications were provided to us by Dr. Mike Doski who was with the National Agri-Forestry Center on UNL's East Campus. It needs to be understood that the minimum flood corridor as defined in these revisions consists of two buffer strips, one on each side of the stream. Dr. Dowski emphasizes that the results of the research represented by these publications applies to urban areas as much if not more so than it applies to agricultural areas. Examination of Figure 1 which is on Page 3 of the publications entitled Agri-Forestry Notes - How to Design A Riparian

Buffer for Agricultural Land and that's the figure right here, shows that to filter out the soluble nutrients such as pesticides, herbicides, and fertilizers which are actually much more heavily used per acre in urban areas than in agricultural areas a minimum buffer strip of 50' is needed. That's the solid line portion of that bar at the end of the fig, at the bottom of the figure. That means a minimum flood corridor consisting of 50' on each side of the stream for a total of 100'. Note also the highlighted portion of Page 2 which relates directly to water quality, but remember again that width refers to just one side of the stream. Referring to the highlighted portions of Page 4 of the enclosure entitled Stewards of Our Streams, one can see that a 50' strip, 100' for the entire flood corridor may be sufficient for the purpose of removal of sediment alone. However, filtration of soluble substances such as pesticides, herbicides, and fertilizers is much more difficult to achieve and require an even wider flood corridor. Note the highlighted portion that recommends a buffer strip width of 95' which translates to 190' for the entire corridor. And, finally the third enclosure includes a diagram that indicates that for filtration purposes of 75' wide buffer strip or 150' for the entire width of the corridor is needed. In conclusion, consideration of these three sources suggest that a flood corridor of 100' is a bare minimum for purposes for maintaining water quality in our streams and purposes of, and filtration of pesticides, herbicides, fertilizers and other types of runoff. As Lincoln grows the potential for water quality problems will become even greater and the need for these revisions will become even greater. We urge you to support and pass these revisions without any weakening amendments. They are not perfect, but they are better than what we have at the present time. Any questions?

Tim Knox, no address given: I'm also a member of the Wachiska Audubon Chapter. I'm here today representing myself and I'll keep this very short. I'm also very much in support of passing the ordinances and design standards as submitted and strongly urge you not to make weakening amendments. And, the reason I'm here is to pass around some photographs I've taken just recently of a selected number of stream corridors on the east and south edge of Lincoln. They're not the best photographs in the world, but they give you some idea of how wide the corridors are. In my quick estimation, as well, of the 100' wide corridor is the bare minimum in order to protect not only the flood carrying capacity, but also the wildlife habitat in these flood corridors and I'd just like to pass those out. Thank you.

Terrence L. Kubick, 1800 S. 53rd Street: You'll have to excuse my voice I have a nasty cold and I will keep my distance so you don't catch it. I'm the president of Friends of Wilderness Park and I appear in that capacity. Three points need to be made. The proposed City ordinance before you is not perfect, but it is a very positive step in the right direction and it ought to be supported. Second, of all the 100' corridor makes more sense and is a more reasonable width in terms of preservation of an environmental corridor, a flood corridor, and in the event of a hiker, biker trail the right-of-way it is in existence. Third point that I'd like to make is that I'm empathetic with the developers and City-County Planning and homeowners who see their homes and businesses flooded.

Because we have what's called the flood plain creep where you build and you believe that in confidence you're safe, but in reality flood plain creep is a function of upstream development. We need to do 100 year frequency flood plain mapping under a fully urbanized future condition and do it in all the tribs that flow in and through Lincoln so that not only developers today, but in the future will know the boundaries and not to encroach upon those boundaries to risk homeowners and businesses. That is really the only true criteria of avoiding flood plain creep. It's honest, it's good engineering, and it really ought to be aggressively promoted and encouraged by the City Council and the Mayor's Office, the City-County Planning. In many instances the flood plain mapping has not taken place. Beal Slough is a good example. Lynn Creek is another. Stevens Creek is another. We really ought to do flood plain mapping based on a fully urbanized future condition. Now we can discuss whether it should be a 30% or a 40% or a 50% hard surface, but we ought to agree on that criteria and then do consistent flood plain mapping throughout the State and the City that way we would be safely assured both in terms of private business and the public and City-County Planning where the boundaries are. Those are my comments and observations. Again, I urge you to support the proposed flood plain ordinance before you and I would be happy to answer any questions if you have any. Thank you.

Russell Miller, 341 S. 52nd St.: I own property in the South Bot, commercial property in the South Bottoms area which is definitely in the flood plain. I'm in favor of the proposed stormwater ordinance. When I'm finished you will hear the Homebuilders Assn. and the Chamber of Commerce hired gun telling you how easy, to go easy and make a weak law. Now, you must recognize that he is a good and persuasive speaker and that is why he is well paid, but the question is are they speaking for the best of Lincoln in the long term. The answer is no. 15 million times no. My evidence is the Beal Slough Watershed area. This area was substantially developed in the last 15 years by these developers and the consequences now and 80% more runoff from Beal Slough into Salt Creek. That comes out of the Beal Slough report, Page 3. These Beal Slough developments were all substandard. Why are they substandard? Because the Beal Slough report states that it will take at least 15 million dollars to correct the area where these regulations were not implemented. Incidentally, that 15 million dollars of tax money does not restore the Beal Slough runoff to 1985 conditions. It does correct the problem approximately to 27th Street. If the political bodies are able find that 15 million you will have fixed the problem to 27th Street and Highway 2. Those properties downstream of that location will be subjected to approximately 60% more runoff than what FEMA has proposed in their base year. That's from the Beal Slough report figure ES-5. To restate this in another way, those properties such as South Bottom and Haymarket, downstream of where Beal Slough empties into Salt Creek will be subjected to a higher flood level than what the FEMA projected because Beal Slough is discharging 80% more water into Salt Creek. How high does that raise the flood level? Nobody knows. All we know is that it is higher. It is higher because the east stormwater regulations were not in affect and we're not being voluntarily complied with. If General Motors built a car that was defective and it

endangered other vehicles and lives government would force them to recall and fix it at GM's expense. Are the responsible Beal Slough developers going to fix the problem that they cost? Our developers hide behind the fact that they built a code. What they do not tell their buyers is that they lobby continuously to get the weakest possible code. Did these developers know that they were putting South Bottoms in deeper water? Did they even care? Their hired gun will tell you that they do, but they do not offer to pay my flood insurance. For their information my flood insurance premium is \$645 per year for a \$70,000 building. Content insurance is extra. Please note that the handout showing the flood insurance prices for a new construction building and how it varies from \$300 for the building one foot above flood level to 527' for the building at flood level to \$1349 at one foot below flood level. The disturbing thing about this is that the flood level is rising because of development in the flood plain and developments that do not control their runoff. How much money in the form of insurance premiums do you want to send out of Lincoln? The South Bottom area that is in the flood plain is valued by the County Assessor at \$21,000,000 and I, you can do the math and figure out how much money will be sent out of town. These regulations need to be passed and made retroactive to July of '99. Many developers have hurried to cement their projects to avoid these regulations. They do not care about the potential damage that their substandard project will cause and the increased insurance expense that they will inflict. A retroactive ordinance is needed to make them responsible in action as well as talk. In that handout there's nothing particularly special about the building that is being pictured there other than the fact that it was convenient for me to take a photograph of it. It is under construction. You can vaguely make out at the bottom of the picture the curb of South Street. So you get an idea of how much fill has been brought in. However, according to codes that building is still below flood level and what the person is going to do is put in a, well they flood proofed the building which means that when the flood is coming they'll have a warning, run down at 3:00 in the morning, put special doors in to keep the water out of their building. The problem is we don't even know that they have, if they have built the flood proofing up high enough because these regulations were not in affect and, which means additional water from previous build, er development that has occurred is going to make the flood level higher. This is why we need the retroactive, it needs to be made retroactive to July or even further back really because the developments are occurring, but these people are not. They have no idea of where the damage will end or how high the water is going to be. And, they cannot build a building that will even comply with the code which it says you are to be one foot over the level because we do not know what the level is. Thank you.

Foster Collins, 2100 Calvert Street: I'm here representing the Blue Stem Sierra Club. We'd like to offer our support for the passage of the new stormwater management plan ordinance. This plan represents a series of compromises hammered out in discussions with the Committee which was already loaded with representatives of the development community. To weaken the suggested regulations and requirements at this time would be to further compromise a plan which is already a compromise. We'd like to see

a tighter formula used to figure the minimum flood corridor. We applaud the 100' change that the Planning Commission came up with. We'd like to see additional language included to provide protection of wetlands. We'd like to see a smaller threshold minimum for the area drained by tributaries. But, what you have before you is a good start. We think the Planning Dept. and the Committee have done a good job and urge you to keep the plan in tact as you vote on it.

Roger Severins, Olsson Associates: We represent a totally significant group of developers, active developers. I think the one point they really wanted to make sure they got across is that the City adopt something that is clear, concise, can be uniformly reviewed and applied to everyone so we do have a level playing field. They do realize that these regulations are coming. They experience this in other metropolitan areas. They do feel that these are reasonable for the City of Lincoln so they do support from that standpoint. The biggest concern is make sure that this is applied equally to everyone and I think these proposed changes allow the City to do that.

Danny Walker, 427 E Street: First I have a statement. I don't consider handpicked individuals as representative of the public. Number two the representative for the NRD, I believe it was Mr. Knox, made the statement that neighborhood associations had been contacted and versed on the stormwater management proposals. As far as I know no one addressed my neighborhood association and I think it's funny because my neighborhood has over 60% of the area in the flood plain. And, also I would like to know how many people that sat on this committee reside in the flood plain that are suppose to be representing the public. My letter. Good afternoon. I speak in opposition to the comprehensive stormwater management plan for the following reasons. 1. Definite updated floodway and flood plain boundaries should be the first step taken in regards to any reference to stormwater management. 2. Due to the fact that the current City of Lincoln administrative staff seems to be incapable of enforcing current standards related to floodway, flood plain, and stormwater management definite changes would seem to be needed. 3. Past actions taken by the Planning Dept., Public Works, Planning Commission, and City Council in regards to flood plain management leads myself and others to believe that the stormwater management plan can best be describe as nothing more than a smoke screen in a feeble attempt to give others the impression that steps are actually being taken to improve a very serious situation that has developed over the past several years. 4. There was very little public participation involved with the Stormwater Management Task Force. 5. There are no provisions or compensation for the large amount of damage that the City of Lincoln has allowed to take place in and adjacent to the Salt Creek flood plain and it's tributaries. One could take exception to portions of the proposal which states, "The building official may waive the submission of plans. It seems to make one wonder what the actual value of the word waive amounts to. It's used quite constantly, I noticed, by the City at various Departments of the City of Lincoln. It makes one curious just what that waiver word is actually worth. That's it. Are there any questions?

Mark Hunzeker, 530 S. 13th St., Suite B: Appearing on behalf of the

Home Builders Association of Lincoln and the Lincoln Board of Realtors. I don't know that it's quite accurate to say that I'm here in opposition to this series of proposals although we do have some concerns about a fair number of specific items. Most of those concerns have been addressed and I would like to say that I really do appreciate the efforts that have been made by the Staff and the City Attorney's office to listen to the concerns that we've expressed in previous hearings and to incorporate a number of our suggestions in the ordinance. We have concerns relative to the imposition of restrictions which are, although well intended, and in large part for the good, may be unnecessarily rigid and costly. The City's own estimate, you've heard, are within one-half, excuse me half of one percent of the cost of a new home. Well, that amounts to \$750 to \$800 of the cost of a new home and with the rather arbitrary increase in the minimum flood corridors that was imposed by the Planning Commission that amounts to another 20 to 40% increase in that cost. So, you're looking at now anywhere from 6 to 7/10th of one percent which really is beginning to push a \$1,000 onto the price of a new home. Both the Realtors and the homebuilders are very concerned about the housing in Lincoln. Every time you add that kind of cost to the price of a new home that increase filters all the way down to the bottom of the housing ladder, because the first person who can't afford to move up stays in the home that they're in and the values continue to push down to the lowest level and increase the cost of housing for everyone. Now, we've had double digit increases in price of housing in Lincoln in the past couple of years and, it seems to us at least, that some concern needs to be given to the cost of new regulation particularly regulation which may or may not be directly related to the original purpose of this ordinance. In particular, as I said, the flood plain, excuse me the flood corridor was originally proposed to be 60' plus 6 times the depth of the channel which admittedly was an arbitrary number and was traced back by Mr. Kubicek to a Corp of Engineers standard that is related to wetlands not stream corridors. And, Mr. Stewart in making a motion to make that a 100' as opposed to 60 recognized that the 60' was arbitrary and understood the 100' to be arbitrary, but his intuitive reaction he said was that 60 was too little and does not go far enough. But, we are simply then saddled with a much higher and more expensive arbitrary number. In addition, however, to the preservation to a corridor, this ordinance requires dedication of an easement on that corridor in which no fill, no tree removal, and no weed removal can take place and that presents problems. It presents problems where street crossings are necessary. It presents problems where sewers and other utilities need to be constructed. It presents problems where detention cells are required necessarily being constructed in the lowest areas of the site. There is no language in the ordinance which makes exceptions for those things and there is no, I am told there is language in the manual which addresses that issue, but the ordinance controls the manual, not the other way around. So, we think it's necessary to have some amendment to the ordinance which would address those concerns and also address, in those instances, where detention or utilities or street crossings are required to be in those minimum corridor areas, that there not be required mitigation for removal of trees and other grasses because

it's being done in response to City requirements. These things begin to have a snowballing effect when you apply them to specific circumstances and I simply would suggest to you that there's not been yet a satisfactory response to a question I asked the day of the last Planning Commission meeting on this as to what are we going to do with detention cells. The only thing I've heard is while the manual addresses that, that there's no amendment proposed to you and no amendment which clearly addresses the concern of the ordinance language as opposed to the manual. If I could just have a couple extra minutes I have some information that Rick Krueger wanted to present to you, but was unable to stay and if I can have maybe two minutes I think I can demonstrate to you just a little bit graphically how this will have an affect on existing subdivisions. This is a copy of the plat of Country Meadows. The very, the first addition of Country Meadows. This area that's outlined is an outlot in Country Meadows and these are all one acre minimum lots. And, in this area is an existing drainage way in which all the trees were preserved and it serves to drain a substantial area upstream which comes under Palmyra Lane and on down toward the creek. This is approximately what would happen under the proposed ordinance to that drainage corridor. You can see outlying Outlot D well inside the boundaries of this new corridor and how it affects the billable areas of these large lots. Now, when you take that affect and apply it to small lots it's very dramatic. I mean, in this case it would probably have lost anywhere from two to four lots in this development. In just this small area of this development. That kind of impact is very costly. Just another illustration that Rick brought down, this is a, this is a hydrograph which part of the Wilderness park study and it shows runoff Salt Creek downstream of Hanes Branch 100 year discharge hydrographs and the three lines that are graphed on this are the existing, which is the dash line, future which is the solid line, and then the dotted line which is the future width a 100' buffer. And it gives you an idea of just how much a 100' buffer impacts the flood flow and it's virtually nil. So, we're not talking about flood control when we're talking about these drainage corridors. Basically, what we're talking about in designating corridors or should be and what we originally talked about in the Task Force, as you know Coleen, was protecting people from the runoff of big storms so that when their subdivision is inundated by the water from runoff of a big storm that you don't have openings in basements and lower levels of homes that are subject to flooding. And, you can compute those numbers and we would suggest to you that the appropriate width of those drainage, er stormwater corridors is the width that will accommodate the flow from a computed 100 year storm. We're not interested in seeing people with water in their lower level of their homes. We're not, certainly not interested in harming anyone down stream despite what's been said earlier. All the development that has taken place in the Beal Slough watershed has been in accordance with design standards that were mandated by the City of Lincoln. We are not interested in causing people problems. This ordinance will not solve any problems that exist. It might prevent in new subdivisions some problems which have occurred in old subdivisions. They won't cure any problems that exist and we think it is simply reasonable to protect against those

100 year storms without imposing the requirements that make people do things that I think you're not going to like very well in the future in the way of doing, modifying vegetation and so forth in areas prior to bringing property in for subdivision. I'll try to answer any questions you may have.

Mr. Cook: What if the 100 year flood plain hasn't been mapped in some particular area, how would you know how wide the channel would need to be in that circumstance?

Mr. Hunzeker: We're dealing with constantly, anytime you're dealing with any property in the Antelope Creek Basin for example that's east of 84th Street, there's no flood plain map east of 84th Street. But, it is possible to compute the flow based upon the assumption of development upstream as to exactly how much water will come in and how wide a corridor that's going to take based on the topography.

Mr. Cook: And, who will do that computing with the City? Who would do that computing? The City? The developers? I mean wouldn't we need to have some agreement on that?

Mr. Hunzeker: Well the subdivision, in fact the subdivision ordinances have required that for a long time and we've done that in various areas.

Mr. Cook: So you bring forward your calculations and the City then looks at them and ...

Mr. Hunzeker: Yes. The engineering firms that are representing subdividers make those computations and submit them to the City for review.

Mr. Cook: Now, when you're talking about the 100 year flood plain area, are you talking about the natural area or what could be a manmade area because what if the natural area's 400' wide to compute? Do you want to set aside that kind of space? You'd be better off with a set number like this 100 in that circumstance wouldn't you?

Mr. Hunzeker: Well, there's nothing, the 100 that's in here, any number that was in here was a minimum and frankly there's nothing wrong with providing a certain amount of fill to narrow those areas down provided you're protecting the lower level of structures that are built near there or next to it. There's nothing wrong with putting fill there as long as you're accommodating the flow and when you compute the detention that goes into it. You're not increasing the rate of runoff downstream. So, you know, there's nothing inherently wrong with fill. The fact of the matter is fill is virtually required in most subdivisions simply due to the street design standards and we have minimum grades that are acceptable in streets and that require fill everywhere. So, you wouldn't like it if this standard were said, you must maintain the natural flood corridor, you can't bring in fill?

Mr. Hunzeker: Again, I think it's an unnecessary standard. It increases costs beyond what is necessary to accomplish the goal of protecting people from flooding.

Mr. Fortenberry: Regarding your questions about cell detention, opportunity to use a proportion of the corridor for flood control part of the cell detention.

Mr. Hunzeker: Well, let me just show you what I'm talking about.

This is the front page of the ordinance. Minimum flood corridor is three times the depth, er excuse me six the depth of the channel plus a 100'. Now, in that area, by obviously, this channel is going to be at the lower part of the site and at the lower end of the channel then is likely to be where you're going to collect stormwater for detention purposes. Now it's very possible that in a subdivision that has, and again we're not talking about streams here, we're probably talking about a grass runway in a corn field or possibly a ditch in a corn field. But, we're not talking about running streams we're talking about an area where water drains to, in a state of nature, and you put your detention at the low end of your site. The way this ordinance is worded it is required that you not do any fill or put any structures within that 100' corridor, 100' minimum corridor and I'm just suggesting to you that in order to do drainage detention it's required that you do some grading and some fill and put some structure in there to adequately detain water in accordance with the City's design standards. It's also necessary to cross these things with streets because we have minimum or maximum block lights. There are any number of reasons that people may need to get into those areas to comply with City requirements and the way the ordinance is worded, not the design standards, because I've been told, I've not seen it but I understand that the design standards will address that, but the design standards do not control this, the ordinance controls. And, there's no language in the ordinance that gives you any break in that instance.

Mr. Masters: Well, I started this so why don't I throw a couple concluding comments. There seems to be that there's three points here that we need to ponder between now and next week. First of all do we want to promote a 60 or 100'+ a function of depth. That's the first one. Second one relates to do we need to clarify what is required within easements or do we have it covered within our design criteria and we'll need to spend some time with Law, I think, to sort that one out. And, thirdly, I believe the response to Mr. Walker's questions about neighborhoods, and we'd like to offer that we did have three open houses, three public meetings, and invitations were sent to all the neighborhood groups. We did not go to individual neighborhood association meetings to talk about the design criteria of the five policies and we did have neighborhoods that came to some of those meetings. We did meet with the Neighborhood Round Table before the ordinances went before the Planning Commission and as a result of that we did meet with the Terra Park Neighborhood Assn. before the ordinances came forward. And, our Mayor's Advisory Task Force included two individuals who sustained substantial property damage in the storm events of 1996. So, we are intent, at least, was to involve people who had been affected by flooding. So, those three points, I think, stand out for me, at least, based on the testimony.

Nicole Fleck-Tooze, Planning Dept.: I'd just add a couple of points in response to some of the questions that were raised. I guess I would just point out that the cost issue was raised, that some of the costs that have been pointed out don't include the cost of, I guess, of no action which would include retro fitting stormwater facilities and the costs that we're seeing with the Beal Slough Master Plan, flood damages, flood insurances costs raised in some of the public testimony. There is a

significant difference between the natural 100 year flood plain or 100 year storm limit and how that might be changed through development. Certainly you can constrict the 100 year storm limits down to a narrow conduit that would send water more quickly downstream. The detention and retention requirements are, in order to address the additional stormwater runoff that you would have from a greater and impervious surface area, not necessarily looking at flood storage that's provided along the tributary channels. In addition if you remove that vegetation, you do the detention requirements, don't address anything below the two year storm event and what that is the smaller storm events are some of the most important for water quality in terms of leaving a buffer. And, the repairing corridor is very much intended to address water quality issues as well as water quantity issues. I would point out, that also, the Wilderness Park hydrology study was referenced and while the graph that was shown does indicate that in the model that was used when you look broadly at Salt Creek the preservation of 100' buffer did not make a big impact on the model. There are a number of different models that can be used. The model that was used for the hydrology study was much different than what's being used for the stormwater master planning project and the City did point out that they would expect an impact, a beneficial impact locally to preserving a 100' corridor even though it didn't show up in a broad spectrum looking at all of Salt Creek flood plain.

Mr. Cook: (inaudible) can you name some?

Ms. Fleck-Tooze: Certainly. There's a water quality function for infiltrating pollutants and sedimentation, stream bank stability, preserving, obviously, the trees and the vegetation that is there already can actually increase or enhance your lot value. In a slough stormwater and does provide to, for some of the, I guess, preserving some of the flood storage capacity along that tributary.

Mr. Cook: And, regarding the areas that don't have a 100 year flood plain map at this time, I mean, I guess address the adequacy of what's provided by developers as to determining what kind of width you would actually need in such an area.

Ms. Fleck-Tooze: Well, when a subdivision application is submitted there is a requirement that the 100 year limit be calculated along the tributaries, the open channels, but there'd be one of the things that's addressed in the zoning ordinance would be situations where you don't yet have a subdivision or there isn't a trigger of that subdivision application so there would be areas where you didn't have the benefit of those calculations being done as part of a subdivision application so you wouldn't necessarily know what the 100 year flood limits are.

Mr. Fortenberry: Would you go back to the question about cell detention just to clarify in my mind is there an opportunity to aggressively preserve the actual flood corridor while also utilizing in certain places for cell detention therefore allowing interference with, but over the long-term preserve an entire natural floodway but also the runoff then in turn finding a balance on the impact of needing potentially additional lands and driving up housing values. In other words the way it is written are you not allowed to do some creative things like that that would not again disturb the natural drainage way which is your good

intention, I think. Also, build in enough flexibility for development so that you're not imposing an artificial cost which is not necessary.

Mr. Fleck-Tooze: Sure. Well I'll touch on that and I think Don Taute can probably also address that. I think the concern was raised that there wasn't enough detail in the ordinance itself to allow for those kinds of things. We do have a reference, we then, within the design standards which are proposed to be adopted by resolution which says encroachments for preparing vegetation will be permitted for operation, maintenance or repair, channel improvements, utility crossings, public parks, pedestrian-bike trails and other recreational uses and public purposes. I guess in our mind that language and body things like, it was intended to body the ability to have detention or road crossings or those types of things either that would be consistent with detaining or retaining stormwater or would allow you to cross the park for a road crossing that you needed to make. I don't know, Don if you have anything to add?

Mr. Taute: Well I guess in that regard I would share some of Mr. Hunzeker's thoughts in that regard although it is provided for in the stormwater standards in the drainage criteria is on page 3 of the attachment that you have substitution today for Bill 00-R38. You know to make it perfectly clear then there certainly could be some language added to the Sec. 26.23.120 dealing with easements to specifically allow those instances in which you need to encroach for street crossings, public purposes, or for fill purposes. If we're talking about the detention retention situation I would see as more of a case by case issue. I don't know that I would want to adopt a general standard in that regard because not everybody's going to do it. It's not going to be applicable across the board. So, that may be something that we need to address and talk about, but to make it absolutely clear then I don't think I would have any, you know, big issue in that regard to the point that Mark raises because I would agree that the standards don't control. I mean the ordinance controls unless there's a specific reference the other way to do it is make a specific reference in the ordinance to the design standards which is certainly done. Specifically, with detention and retention we adopted those standards back in April of last year. You'll note in 26, I'm not even sure what section it is, anyway the subdivision ordinance on detention, it does reference the design standards in accordance with the design standards, so there's a couple of ways to go about doing that. A couple other brief points I wanted, I don't know if you were finished Nicole or not but one thing I think we need to make sure we're real clear on is that we're not talking about flood plain issues here we're talking about the stormwater, the non-FEMA map flood plain areas that drain 150 acres into some new subdivision. Nicole may be able to speak to this better, but the graphic that Mark showed you regarding Country Meadows or Country Acres on, we're not saying this is applied to existing subdivisions and I'm not sure exactly what context the minimum corridor would be imposed upon that subdivision, but I envision that happening. The 60' corridor also there was some reference to that being arbitrary as well as the 100' corridor being arbitrary. The 60' as alluded to was traced to some wetlands application. It applies to, it's a Corp of

Engineer requirement dealing with a relocated channel in a 404 situation. So, it's not necessarily a wetlands application. It deals with a specific channel issue. The 100' amendment that was made by the Planning Commission on Cecil Stewart's motion, I think that you'll note from your memorandum that you were supplied from the Planning Dept., that I would mean that to be hardly arbitrary if it's utilized for as many locations as it is throughout the country in particularly the Natural Resources Commission here in the State. There person who regulated buffer zones and buffer areas utilizes that as a standard quite frequently. So, I don't know that it really is fair to call that an arbitrary application. So ...

Mr. Masters: I'd like to add one thing, I'm responsible for a misstatement that Nicole made. With a rain event we do within our design criteria require that up to the two year storm is retained in the detention or retention structure and then that flow, that two year flow is released up to the point that we have the 10 year capacity exceeded. So, I wanted to make that clear. I apologize that I misguided Nicole on that point. We do retain the two year event with our structures and it is released then at the two year flow.

Mr. Cook: Because this issue keeps coming up, the issue about cost for a new home and of course it's not terribly convincing for me because I think of all the other regulations that are in place to regulate health and safety. I mean we have all sorts of rules for fire prevention and over the years those rules might have added thousands of dollars to the cost of homes, but I think homeowners benefitted from them and certainly we have far fewer major fires because of it, (inaudible) generally speaking. I mean that's true with regulations anywhere and plumbing regulations, electrical regulations, and so these added costs are offset by general savings to the community in many cases, but I know that there's been discussion of this amount and that a certain part of that ½ of 1 percent would actually be imposed regardless just because of regulations changing and being imposed upon us. Can you just briefly go ...?

Ms. Fleck-Tooze: Right, and hopefully Steve will correct me if I'm wrong on this. I believe that approximately ½ of those costs were identified to be part of the requirements which are already in place for stormwater detention and retention phase-ins that were adopted last spring. Another portion of those costs are actually better outlining or framing requirements which are already in place that should be being met today, but didn't have adequate design standards to address those. So, many of the provisions that are there are to make sure that what we've already got in place for requirements are met and another portion of the cost is for detention and retention standards that .5% included that the full package with it.

Mr. Cook: So, it's not fair to say what we're passing today adds on that cost and if we didn't pass this today that cost wouldn't be there?

Ms. Fleck-Tooze: There is an additional cost which was for the increase to a 100' width which was estimated to be at .1 to .2%.

Mr. Cook: OK, thank you.

Jon Camp, Council Member: In thinking of land management, quality co-location, co-use of resources, is there a way as we work toward more stormwater management, flood control that we can look even more closely

ways to co-utilize this property, just thinking of examples off the top of my head, putting in soccer fields, sports fields, complex's in an area that if they get flooded they get flooded and their saying 50, 100 year context yet it's not something that's on a day to day homeowner's residence situation that's going to cause major damage. In this way parking lots is another one although that may not be as applicable here because you're trying to get drainage or absorption in the soil. Types of facilities that could provide our citizens with park like environments and recreational opportunities yet not require land that could otherwise be used for residences and perhaps help on this cost formula for the landowner, the lot itself.

Ms. Fleck-Tooze: Sure, I think that related to that is an ability which is already there under Community Unit Plan to take the density that would be devoted toward a flood corridor or other open space associated with that and use it elsewhere on the site to be able to move density around that you don't necessarily lose any on the site as a whole and while this does look at preserving the vegetation along those flood corridors certainly you could have open space areas associated with those that would have other open space and recreational uses. I think those are very compatible.

Mr. Fortenberry: Is there any flexibility built into the standard that instead of always a 100', let's say in a particular development you had riparian corridor that was perhaps 200, 300' wider had sensitive wetlands in it that you wanted to include as a natural part of the project a little bit farther downstream or upstream you might have a more narrow, deeper channel that, let's say if you had the 20 to 30' on each side of it, it would achieve the type of water quality purification that you're looking for as well as the other good environmental filtering benefits. Would there be an opportunity for the developer then to come in and say in terms of total square footage I'm meeting the 100' requirement, but it's going to vary in places because of the natural contour. That might be a more aggressive way to achieve some of the environmental desires that this ordinance is also seeking to achieve as well as meet those flood corridor impact that were trying to achieve as well. So, I don't want to covertly complicate things because obviously we've heard a lot of testimony make it clear, make it simple, make it citywide.

Ms. Fleck-Tooze: Right, and that's one of the difficulties as what standards do you set up that it has to meet so that you know it does meet those water quality standards if you narrow the width and so one of the benefits of this kind of thing it is proportional somewhat to the size of the channel because of the depth function and the formula, but it is more straight forward there. In the memo that you received there are examples of communities which we'll use either that formula or a prescribed width and then they will increase it if it needs to include flood plain or wetland areas. I haven't seen a lot of examples which also provide for the reverse. So, it would just be the complexity of ...

Mr. Fortenberry: Obviously, there's nothing to say that you can't expand it if you want to is there?

Ms. Fleck-Tooze: I think that there's certainly, and I know that Steve Masters has mentioned this as we've discussed these, I think as we

move forward if the Council chooses to pass these ordinances we are going to be looking closely how they work and function and if we find that there'll be a better way to achieve things we're certainly open to change and so that would be something that we'd look at to see how well that was functioning as a corridor way.

Mr. Masters: I'd like one final comment if I may. We've had a lot of involvement from environmental groups, homeowners associations, Board of Realtors, Homebuilders Assn. and each time we've gone to any of those groups and asked for help and ideas they've been there with that in mind. As we talk about our differences I think we have much in common and I think it's important to mention that as we come to a closure on this project.

Mr. Fortenberry: Art, don't leave. I'm getting ready to say something nice to you don't leave. No, just to thank you and NRD and Planning Staff and all the other people, Public Works as well and the Task Force who put in numerous hours of work on this so thank you.

This matter was taken under advisement.

VACATING LIBERTY LN. BETWEEN DAWN AVE. & CROMWELL DR. IN THE THREE-MILE JURISDICTION OF THE CITY - Brian Carstens, 2935 Pine Lake Rd., Suite H: Appearing on behalf of numerous property owners vacating this right-of-way. I thought it would be helpful to put a map on here. Over in front of you today ...

Ms. Seng: Just a moment Brian we're trying to find some photos. OK?

Mr. Carsten: The particular piece of right-of-way that we're looking at is Liberty Lane between Dawn Ave. and Cromwell Rd. The roads that are highlighted in yellow are existing platted right-of-ways. We were before the Planning Commission several weeks ago and we presented them a petition signed by almost 100% of the property owners within all three subdivisions. We had just a couple people that were out of town and then one that would not sign it. Due to the fact of the topography of the road and being platted over several different additions over the years it has been in existence or has not been in existence for several years. We're requesting that the right-of-way not be dedicated. I did bring some pictures today to show you what trees will be lost if we dedicate this. Basically, those trees along the south side of Liberty Lane just east of Cromwell Rd. Here's another view of those pine trees that are there today. Those were put in some 30 years ago. This is further down as we're getting closer to the creek or down to the bottom. It's kind of a native vegetative area, has plum thicket that type of thing. Here's some more. And this would be going up Liberty Lane towards Dawn Ave. looking up from 56th Street those trees would be removed, also, to make way for the right-of-way. The Planning Staff pointed out that we'd be exceeding block lengths the 1320'. Granted we do have close to ½ mile of no interconnection over to the east. As you can see we do not have a large number of lots. I believe there's about 20 lots. They're all 3 acre plus in size. We do have an individual that is interested in purchasing this lot, subdividing into two five acre lots and at this point he's not interested in buying a lot if a gravel road is installed in between. We

are concerned about removing, it's actually the widest area that you can see of trees that are in the area to put in a road that nobody is requesting at this time and all of the adjacent property owners did sign the petition. I guess to clarify, we are wanting to amend the legal description for the right-of-way vacation to include just a smaller area. Originally, we were vacating all the way over to Dawn Avenue, but we'd like to stop about 100' over to allow for creation of a cul-de-sac. So I'll be passing that to Paul. We do have Marlin Schwartz, David Hunter, and Don Bowman here to also make some comments.

David Hunter, 1023 Lincoln Mall: Here for the applicant plus my wife and I also own property in that subdivision, also. I think the Staff report that you have is probably, Mike DeKalb probably expressed it accurately that this is a 30 year old issue and there were a lot of situations that took place 30 years ago, 20 years ago, 15 years ago and it's this old situation where things didn't happen, didn't happen then the next thing you know the subdivision evolved around the situation. Times have changed and the situation has changed. And, the real issue here is that this is 56th Street going down here. All of us have adequate ingress and egress to 56th Street. The issue that may come up here is the block length situation that it is, these two entrances and exits to 56th Street are farther away than most block lengths in the City of Lincoln and that's the point. In the City of Lincoln where you have 50 or 75 or 100' lots these are 3 acre lots minimum. So, therefore the density of housing between those two streets is far less than what it would be in the City of Lincoln. You're using the City block length issue out in an acreage situation which should really not be applicable. Someone brought up the question at the Planning Commission what happens if someday someone wants to re-subdivide this and then that street wouldn't be there. I can assure you these lots are mostly already built out and if someone started wanting to subdivide three acre tracts with houses on them it would be a bigger issue than one street. That would be back in front of you for a major re-subdivision issue. It would not be just putting two lots together because the way these houses sit on these lots there's no way that those could be put together and subdivided into smaller. Some of them would end up being even less than one acre and I don't think that would even begin to fly. So, I don't think there's much issue here other than the fact that the line was drawn on the map 30 years ago. There is a barn sitting right where that is and the question was when did that go in? Well, we believe it went in even prior to when building permits were required within the three mile. And, the last issue is this stub or small piece is only required to be graveled. Every other road out there has been paved and is dedicated to the County. If this application is turned down not only will that lot not sell the road will never be put in anyway. And, what you're really giving up is approximately 1 3/4 million dollars worth of real estate that will be built on these two five acre tracts. So, I don't think there's much question about where the advantage to the community is and where the advantage of the subdivision is. So, we request your approval on this and I understand there are some concerns about vacating streets, but we think this one is a unique situation and not anywhere near similar to a lot of others that have come in front of you and will come in

front of you in the future.

Mr. Camp: David, would you again point out, just make sure I'm oriented correctly where 56th Street would be? The smaller one that I have doesn't show that. OK. So, I'm just thinking ahead here at some point if this becomes part of the City you've still got acreages. Is there going to be any difficulties as far as traffic congestion along 56th Street that would be exacerbated by giving up the Liberty Lane piece of it?

Mr. Hunter: No, because you haven't got that many people ingressing and egressing. No one would have any reason to even come into that subdivision unless they live there.

Mr. Camp: And the folks in the subdivision are really not opening so much onto 56th but onto the side streets am I correct on that?

Mr. Hunter: Everyone has to go to 56th to go anywhere. We're looped inside.

Mr. Camp: Right, but you're looped inside so that there's not curb cuts or what have you right on to 56th that much so down the road 56th would flow better.

Mr. Hunter: That's correct. In fact there's a concern that we shouldn't add any more curb cuts to 56th St.

Mr. Camp: That would help. That was a concern.

Mr. Hunter: Right. Right.

Shoecraft: (Inaudible)

Mr. Hunter: What you would be doing was by denying the application would be not allowing that outlot to be developed and it should be developed that is correct.

Mr. Shoecraft: And then (inaudible).

Mr. Hunter: If for any reason that the City or Public Works would want an easement to come up there instead of the road, that's available and, if that was necessary. But, we don't believe it is because we have natural gas out here and the easements for the gas lines are already in and natural gas flows all the way through the subdivision and other things could be put into those same easements. The electrical is already in there. If the City annexes it and they would desire that easement the applicant has already indicated that easement would become available.

Mr. Shoecraft: (Inaudible)

Mr. Hunter: Thank you. Thank you very much.

Marlyn Schwartz, 10445 Dawn Ave.: I'm the developer of Silver Springs and as has been pointed out this street, this little short street at one time when dedication was made was very appropriate because the Highlands 35 years ago when it was developed had only one way out. And so, it seemed very logical that that should be dedicated and committed for a second way out to the Highlands. However, since Silver Springs has developed it now provides a natural second exit to the Highlands and a good share of the people that live at the Highlands do use the road through Silver Springs as an exit to the City of Lincoln. I live in Breezy Acres. I've lived there for 35 years and when we started to develop Silver Springs we were asked to commit to put this street through there and a lot of the neighbors that have lived there, some of them almost as long as I, were really upset over us developing some property

that would force their property be cut in half or generate a lot of additional traffic past their places. The people that live out in the country in all three of these developments are there because they want to live in the country. They like the isolation. They like to be alone. When they get home from a days work they like to be able to walk out of their sideyard, their backyard, or their front yard and they're still alone. That's why they're there. And, so in an attempt to develop the project and keep peace with my neighbors we formed this outlot and frankly I had pretty well committed that until I retire at least and that's quite a few years down the road I will not be able to develop this lot and stay living where I am because my neighbors would get very upset and I do want to be a good neighbor. So, what they're saying is true that this lot probably cannot be developed for sometime. I know that there's concern about the City of Lincoln someday growing out in there. I think that's going to be an issue in many acreages as to how that's going to be handled, but the truth is that those lots are so large that if this street is vacated and it ever does come into the City of Lincoln there's no problem getting streets through just about anywhere you want to put them, because some of the people that are there bought two lots because they want even more privacy. And, so unless you drive out and see it you can't imagine the space that's available for streets. So, I think the fact that being able to develop that 50 or 75 years down the road should not even be an issue. So, we're asking to vacate this property primarily because we feel it's not needed. The County doesn't need anymore roads to maintain. The ones that are going through the Highlands now are not very adequately maintained and I don't understand why they would want the expense of a road that is not wanted, that is not needed, that would be a graveled road for them to continue to maintain. From my personal perspective, I would probably be better off to ask for this street to go through to pay for it and to sell three parcels of ground because this is very nice ground. It's high, it's valuable ground then to put in two parcels and not put in the road. But, I think it would be wrong, there's a lot of natural life, wildlife in there. As Brian had showed you some very mature trees that are beautiful trees. All of our neighbors would hate to see them go. And I for one would hate to be the one that's responsible to make those trees go. So, we're asking that all of the people that have signed, that involves all three areas; it involves Breezy Acres which has about 8 or 9 homeowners in it, 35 year old subdivision. The Highlands which is south of us and Silver Springs. We have, as Brian had mentioned, nearly 100% of the people that had said let's vacate this street. So, we ask that you, respectfully request that you vacate this street, preserve the trees, preserve our privacy, and preserve our beautiful neighborhood. Thank you.

Don Bowman 1700 Yankee Hill Rd.:I'm the person who wants to buy these lots and build a house on it. I live at 1700 Yankee Hill Rd. now and with all the commercial property coming out there I'm surrounded and so I have to move. The main point I want you to know is that this is a beautiful lot, should be developed, but I'm not going to buy it if there's a road, gravel road running right by my window. Virtually every neighbor out there has signed a petition saying we don't want the road, we don't need the road. So, I'm hopeful you'll just consider what the neighborhood

wants and really needs. There's plenty of access to 56th. I think if you put another curb cut in there it just makes it more dangerous because they'd be so close together with the speed on 56th. So, we're just asking that the road be vacated so that we'll develop these properties and pay a little more taxes.

Terry Schwartz, 10641 Dawn Ave.: I live on Dawn Ave. I've lived for 12 years. I'll just be very brief to say we enjoy living out there. We just as soon not have the road go through. We just got done paving out there and for one I'm not anxious to eat more gravel dust, so as a long time resident and somebody that plans to be there a while I'd like to ask you not to do it. Thank you.

This matter was taken under advisement.

ORDINANCES - 3RD READING

AMENDING SEC. 10.06.120 OF THE LMC TO PROVIDE FOR A FINE FOR PARKING OF TRUCKS OR OTHER OVERSIZED VEHICLES ON STREETS ADJACENT TO RESIDENTIALLY ZONED PROPERTY - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 10.06 of the LMC relating to the administration & enforcement of vehicles & traffic by amending Sec. 10.06.120 to provide for a specific parking fine for a violation of LMC Sec. 10.32.070 which places prohibitions on the parking of trucks & other oversized vehicles on streets adjacent to residentially zoned property; & repealing Sec. 10.06.120 of the LMC as hitherto existing, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

The ordinance, being numbered #17601, is recorded in Ordinance Book No. , Page

CHANGE OF ZONE 3182 - APP. OF THE B & J PARTNERSHIP & THE PLANNING DIRECTOR FOR A CHANGE FROM R-2 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS & FROM R-2 RESIDENTIAL TO P PUBLIC ON PROPERTY GENERALLY LOCATED AT S. CODDINGTON AVE. & W. "A" ST. (IN CONNECTION W/00-17, 00R-27) - PRIOR to reading:

COOK Moved to place Bill 00-16 on Pending.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

COOK Reconsidered & moved to delay action on Bill 00-16 for one week to 2/14/00.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

CLERK Read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

DECLARING APPROX. 0.9 ACRES OF PROPERTY GENERALLY LOCATED AT S. CODDINGTON AVE. & W. "A" ST. AS SURPLUS & AUTHORIZING THE SALE THEREOF. (IN CONNECTION W/00-16, 00R-27) - PRIOR to reading:

COOK Moved to place Bill 00-17 on Pending.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

COOK Reconsidered & moved to delay action on Bill 00-17 for one week to 2/14/00.

Seconded by camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

CLERK Read an ordinance, introduced by Jon Camp, declaring a tract of City-owned property generally located at S. Coddington Ave. & W. "A" St. as surplus & authorizing the sale thereof to B & J Partnership, the third time.

CHANGE OF ZONE 3230 - AMENDING SEC. 27.55.040(D) OF THE LMC TO DELETE THE REFERENCE TO MEAN SEA LEVEL & ADD A REFERENCE TO NORTH AMERICAN VERTICAL DATUM (NAVD) 1988 - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 27.55.020 of the LMC to delete the reference to mean seal level & add a reference to North American Vertical Datum (NAVD) 1988; & repealing Sec. 27.55.040 of the LMC as hitherto existing, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

The ordinance, being numbered **#17602**, is recorded in Ordinance Book No. , Page

CHANGE OF ZONE 3223 - AMENDING SEC. 27.07.080 OF THE LMC TO ALLOW FOR COUNTY ROAD RIGHT-OF-WAY TO BE INCLUDED IN LOT AREA UNDER CERTAIN CIRCUMSTANCES - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 27.07.080 of the LMC to reflect county language & to allow for county road right-of-way to be included in lot area under certain circumstances; & repealing Sec. 27.07.080 of the LMC as hitherto existing, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

The ordinance, being numbered **#17603**, is recorded in Ordinance Book No. , Page

CHANGE OF ZONE 3226 - APP. OF BRIAN D. CARSTENS & ASSOCIATES FOR A CHANGE FROM I-2 INDUSTRIAL ARK TO H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY LOCATED AT APPROX. W. COMMERCE WAY & W. BOND ST., NEAR NW 12TH ST. - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

The ordinance, being numbered **#17604**, is recorded in Ordinance Book No. , Page

CHANGE OF ZONE 3228 - APP. OF JEROME HITNER FOR A CHANGE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED EAST OF S. 84TH ST. & 200' NORTH OF OLD CHENEY RD. - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third

time.

CAMP Moved to pass ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

The ordinance, being numbered #17605, is recorded in Ordinance Book No. , Page

USE PERMITS

USE PERMIT 118 - APP. OF B & J PARTNERSHIP TO DEVELOP 89,700 SQ. FT. OF COMMERCIAL SPACE & A REDUCTION OF THE FRONT YARD SETBACK ON PROPERTY GENERALLY LOCATED AT S. CODDINGTON AVE. & W. "A" ST. (IN CONNECTION W/00-16, 00-17) - PRIOR to reading:

COOK Moved to place Bill 00R-27 on Pending.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

COOK Reconsidered & moved to delay action of Bill 00R-27 for one week to 2/14/00.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

PETITIONS & COMMUNICATIONS

FORMAL PETITION TO VACATE PUBLIC WAY IN ANTELOPE CREEK RD. FROM EASEMENT NORTH TO SOUTH ALLEY FROM THE NORTH LINE OF ANTELOPE CREEK TO THE SOUTH LINE OF NORTH/SOUTH EASEMENT TO EAST-WEST PROPERTY LINE SIGNED BY DARRELL & CHARLOTTE MCCAIVE - CLERK presented said petition which was referred to the Law Dept.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF JANUARY, 2000. - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON JAN. 24, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80011 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 01/28/00)

Introduced by Jeff Fortenberry

Seconded by McRoy & carried by the following vote: AYES: Camp,

Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

REPORT OF CITY TREASURER OF TELECOMM. OCC. TAX REPORT FOR **OCT., 1999**: AFFINITY CORP., ONE STAR LONG DISTANCE, PNG TELECOMM.; **NOV., 1999**: AFFINITY CORP., ONE STAR LONG DISTANCE, PNG TELECOMM.; **DEC., 1999**: AFFINITY CORP., TELECOM ONE, HERTZ TECH., INNOVATIVE, CALLS FOR LESS, IBM GLOBAL, BROADWING, QUEST, LCI INT'L., GE CAPITAL, COMDATA, CITIZENS, TRANS NAT'L, GTE, US LONG DISTANCE, MCLEOD USA, COAST INT'L., TALK.COM., EXCEL, WORKING ASSETS, ONESTAR LONG DISTANCE, PNG TELECOMM., QWEST COMM., LINCOLN CELTELCO, MCI TELECOMM., USA PAGING, PHOENIX NETWORK, US WATTS, ALLTEL, ALLTEL; **JAN., 2000**: TELECOM ONE, HERTZ TECH., US WATS - CLERK presented said report which was placed on file in the Office of the City Clerk.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR JANUARY, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

OTHER RESOLUTIONS

APP. OF DARRELL & CHERYL WALTON DBA THE SILVER SPUR FOR A CLASS C LIQUOR LICENSE AT 5100 N. 48TH ST. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption for approval:

A-80002 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Darrell and Cheryl Walton dba "The Silver Spur" for a Class "C" liquor license at 5100 North 48th Street, Lincoln, Nebraska, for the license period ending October 31, 2000, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jeff Fortenberry

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

APPROVING A CONTRACT BETWEEN THE CITY & WESTERN PATHOLOGY CONSULTANTS, INC. FOR DRUG & ALCOHOL TESTING SERVICES - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80003 WHEREAS, the City of Lincoln and the County of Lancaster jointly desire to enter into a contract with Western Pathology Consultants, Inc. to perform drug and alcohol testing services; and

WHEREAS, said contract will involve the expenditure of money from appropriations of more than one fiscal year and Article VII, Section 3 of the Charter of the City of Lincoln provides that no such expenditure of money from appropriations of more than one year shall be valid unless approved by resolution of the Council.

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

That a contract between the City of Lincoln, the County of Lancaster and Western Pathology Consultants, Inc. for drug and alcohol testing services upon the terms and conditions as set out in said Agreement which is attached hereto as Attachment "A" is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to return three fully executed copies of this resolution and the Agreements to the Personnel Department, one for their records, one for transmittal to Lancaster County, and one for transmittal to Western Pathology Consultants, Inc.

Introduced by Jeff Fortenberry

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

VACATING LIBERTY LN. BETWEEN DAWN AVE. & CROMWELL DR. IN THE THREE-MILE JURISDICTION OF THE CITY - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80004 WHEREAS, the vacation of Liberty Lane between Dawn Avenue and Cromwell Drive has been requested by United Development, Inc.; and

WHEREAS, said street portion is located outside of the corporate limits of the City but within the three-mile zoning jurisdiction of the City; and

WHEREAS, under Neb. Rev. Stat. § 23-108 (Reissue 1997) the City must approve the vacation of said street portion.

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

That the vacation of all of the right-of-way of Liberty Lane between Dawn Avenue and Cromwell Drive located in the East half of Section 32, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, which is outside of the corporate limits but within the three-mile zoning jurisdiction of the City of Lincoln is hereby approved.

BE IT FURTHER RESOLVED that the City Clerk transmit a copy of this resolution to the County Clerk for Lancaster County.

Introduced by Jeff Fortenberry

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

ADOPTING THE STORMWATER DRAINAGE DESIGN STANDARDS & RELATED CITY OF LINCOLN DRAINAGE CRITERIA MANUAL AS PART OF THE DESIGN STANDARDS FOR SUBDIVISION REGULATIONS. (IN CONNECTION W/00-28, 00-29, 00-30) - PRIOR to reading:

FORTENBERRY Moved to approve a substitute amendment to Bill 00R-38.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

CAMP Moved to delay Action on Bill 00R-38 for one week to 2/14/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

APPOINTING MEREDITH DECORY TO THE COMMISSION ON HUMAN RIGHTS TO FILL AN UNEXPIRED TERM EXPIRING DEC. 31, 2001 - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80005 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Meredith DeCory to the Commission on Human Rights for a term expiring December 31, 2001 is hereby approved.

Introduced by Jeff Fortenberry

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

ACCEPTING THE REPORT OF THE REALTY CENTER TORT CLAIM FILED AGAINST THE CITY & APPROVING THE DISPOSITION OF SAID CLAIM. (1/31/00 VOTE DELAYED ON THE REALTY CENTER CLAIM TO 2/7/00, OTHER CLAIMS ADOPTED AS REPORTED) - PRIOR to reading:

FORTENBERRY Moved to delay Action on Bill 00R-31 for one week to 2/14/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

SETTING HEARING DATE OF TUES., FEB. 22, 2000 AT 6:30 P.M. ON THE REQUEST OF LAZLO, INC. DBA "EMPYREAN ALES" FOR AN ADDITION OF THEIR LICENSED PREMISE AT 6301 N. 60TH - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80006 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Tues., Feb. 22, 2000, at 6:30 pm. of as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Lazlo, Inc. dba "Empyrean Ales" for an addition of their licensed premise at 6301 N. 60th.

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

Introduced by Jeff Fortenberry

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

SETTING HEARING DATE OF TUES., FEB. 22, 2000 AT 6:30 P.M. ON THE MAN. APP. OF JACOB ARTHUR NORTH FOR OUTBACK STEAKHOUSE FL, INC. DBA "OUTBACK STEAKHOUSE" AT 633 N. 48TH - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80007 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Tues., Feb. 22, 2000, at 6:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following Man. App. of Jacob Arthur North for Outback Steakhouse Fl, Inc. dba "Outback Steakhouse" at 633 N. 48th.

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

Introduced by Jeff Fortenberry

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

SETTING HEARING DATE OF TUES., FEB. 22, 2000 AT 6:30 P.M. ON THE MAN. APP. OF RONALD L. KIGER, JR. FOR "KUM & GO" AT 2243 N. COTNER - CLERK read the

following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80008 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Tues., Feb. 22,2000, at 6:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following Man. App. of Ronald L. Kiger, Jr. for "Kum & Go" at 2243 N. Cotner.

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

Introduced by Jeff Fortenberry

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

SETTING HEARING DATE OF TUES., FEB. 22, 2000 AT 6:30 P.M. ON THE MAN. APP. OF RONALD L. KIGER, JR. FOR "KUM & GO" AT 4335 N. 70TH - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80009 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Tues., Feb. 22,2000, at 6:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following Man. App. of Ronald L. Kiger, Jr. for "Kum & Go" at 4335 N. 70th.

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

Introduced by Jeff Fortenberry

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

SETTING HEARING DATE OF TUES, FEB. 22, 2000 AT 6:30 P.M. ON THE APP. OF LISA M. WARNER DBA "CORNHUSKER SOCIAL HALL" FOR A RETAIL CLASS "I" LIQUOR LICENSE AT 2940 CORNHUSKER HWY. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80010 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Tues., Feb. 22,2000, at 6:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Lisa M. Warner dba "Cornhusker Social Hall" for a Retail Class "I" Liquor License at 2940 Cornhusker Hwy.

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

Introduced by Jeff Fortenberry

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

ORDINANCES - 1ST & 2ND READING

AMENDING CHAPTER 5.38 OF THE LMC TO INCLUDE CONDOMINIUMS FOR THE PURPOSE OF

ENSURING COMPLIANCE WITH THE MINIMUM HOUSING STANDARDS - CLERK read an ordinance, introduced by Jeff Fortenberry, amending Chapter 5.38 of the LMC to include condominiums for the purpose of ensuring compliance with the minimum housing standards, the first time.

CHANGE OF ZONE 3224 - AMENDING TITLE 27 OF THE LMC TO ADD A NEW SEC. 27.71.095 TO PERMIT LIGHT WELLS & EGRESS WINDOWS IN REQUIRED YARDS - CLERK read an ordinance, introduced by Jeff Fortenberry, for Change of Zone 3224 amending Title 27 of the LMC to add a new Sec. 27.71.095 to permit light wells & egress windows in required yards, the first time

CHANGE OF ZONE 3225 - APP. OF RIDGE DEVELOPMENT CO., SOUTHVIEW, INC., & THE LARGE PARTNERSHIP FOR A CHANGE FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK & FROM O-3 OFFICE PARK TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED SOUTHEAST OF S. 14TH ST. & YANKEE HILL RD. - CLERK read an ordinance, introduced by Jeff Fortenberry, for Change of Zone 3225 application of Ridge Development Company, Southview, Inc. & the Large Partnership for a change from R-3 Residential to O-3 Office Park & from O-3 Office Park to R-3 Residential on property generally located southeast of S. 14th St. & Yankee Hill Rd., the first time.

ACCEPTING THE STREET RIGHT-OF-WAY FOR THE EAST HALF OF SOUTH 91ST STREET ABUTTING VINTAGE HEIGHTS 6TH ADDITION - CLERK read an ordinance, introduced by Jeff Fortenberry, accepting the street right-of-way for the east half of South 91st Street abutting Vintage Heights 6th Addition, the first time.

AMENDING SECTION 9.16.230 OF THE LMC TO DEFINE "NUDITY", TO MAKE IT UNLAWFUL FOR A PERSON TO APPEAR IN ANY PUBLIC PLACE IN A STATE OF NUDITY, AND PROVIDING EXCEPTIONS THERETO - CLERK read an ordinance, introduced by Jeff Fortenberry, amending Sec. 9.16.230 of the LMC to define "nudity", to make it unlawful for a person to appear in any public place in a state of nudity, and providing exceptions thereto, the first time.

AMENDING CHAPTER 9.16 OF THE LMC TO ADD SECTION 9.16.240 BANNING SEXUAL CONTACT IN BUSINESSES - CLERK read an ordinance, introduced by Jeff Fortenberry, amending Chapter 9.16 of the LMC to add Sec. 9.16.240 banning sexual contact in businesses, the first time.

AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" BY DELETING THE JOB CLASSIFICATION OF "CIVIL ENGINEER II" - CLERK read an ordinance, introduced by Jonathan Cook, amending Sec. 1 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by deleting the job classification of "Civil Engineer II", the second time.

AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "M" BY DELETING THE JOB CLASSIFICATION OF "CIVIL ENGINEER III" - CLERK read an ordinance, introduced by Jonathan

Cook, amending Sec. 5 of Ord. 17539 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by deleting the job classification of "Civil Engineer III", the second time.

AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" BY CREATING THE CLASSIFICATIONS OF "PARKS WELDER II", "PARKS PLUMBER I", & "PARKS PLUMBER II"; BY CHANGING THE CLASS TITLE OF "WELDER" TO "PARKS WELDER I"; & BY DELETING THE JOB CLASSIFICATION OF "PRINT MACHINE OPERATOR" - CLERK read an ordinance, introduced by Jonathan Cook, amending Sec. 5 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by creating the job classifications of "Parks Welder II", "Parks Plumber I" & "Parks Plumber II"; by changing the current job classification of "Welder" to "Parks Welder I"; & by deleting the job classification of "Print Machine Operator", the second time.

APPROVING THE QUE PLACE NOTCH REDEVELOPMENT AGREEMENT BETWEEN THE CITY & CONCORD HOSPITALITY INC.; WHICH AUTHORIZES THE SALE OF PROPERTY & THE DEVELOPMENT OF A RESTAURANT AT LOT 1, QUE PLACE ADD. TO BLOCK 36 - CLERK read an ordinance, introduced by Jonathan Cook, accepting & approving the Que Place Notch Redevelopment Agreement ("Redevelopment Agreement") between the City of Lincoln & Concord Hospitality, Inc. ("Concord"), the second time.

VACATING W. "E" ST. BETWEEN S.W. 6TH & S. FOLSOM STS. - CLERK read an ordinance, introduced by Jonathan Cook, vacating W. "E" St. between SW 6th & S. Folsom Sts., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AMENDING TITLE 26 OF THE LMC TO ADD A SECTION TO DEFINE "MINIMUM FLOOD CORRIDOR", TO ADOPT THE POLICY RECOMMENDATION RELATED TO THE COMPREHENSIVE STORMWATER MANAGEMENT PLAN, TO ESTABLISH A REQUIREMENT FOR THE REMOVAL OF SEDIMENT FROM STREETS, ALLEYS, SIDEWALKS, PUBLIC WAYS, OR PUBLIC GROUNDS, & PROVIDING A PENALTY FOR FAILURE TO DO SO. (IN CONNECTION W/00-29, 00-30, 00R-38) - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the LMC, the Land Subdivision Ordinance, by amending Chapter 26.07 of the LMC by adding a new section numbered 26.07.126 to provide a definition of "minimum flood corridor"; amending Secs. 26.11.038, 26.15.020, 26.19.031, 26.23.105, 26.23.120, 26.23.190, & 26.27.060 of the LMC to adopt the policy recommendations of the Mayor's Stormwater Advisory Committee related to the Comprehensive Stormwater Management Plan; amending Chapter 26.31 of the LMC to add a new section numbered 26.31.040 to establish a requirement for the removal of sediment from streets, alleys, sidewalks, public ways or public ground & providing a penalty for failure to do so; & repealing Secs. 26.11.038, 26.15.020, 26.19.031, 26.23.105, 26.23.120, 26.23.190, & 26.27.060 of the LMC as hitherto existing, the second time.

CHANGE OF ZONE 3216 - AMENDING TITLE 27 OF THE LMC TO PROVIDE GRADING & LAND DISTURBANCE REGULATIONS FOR THE AG, AGR, R-1 THROUGH R-8, O-1 THROUGH O-3, R-T, B-1 THROUGH B-5, H-1 THROUGH H-4, & I-1 THROUGH I-3 ZONING DISTS.. (IN CONNECTION W/00-28, 00-30, 00R-38) - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the LMC by adding new sections numbered 27.07.075, 27.09.075, 27.11.075, 27.13.075, 27.15.075, 27.17.075, 27.18.075, 27.19.075, 27.21.075, 27.23.075, 27.24.075, 27.25.065, 27.26.075, 27.27.065, 27.28.075, 27.29.075, 27.31.085, 27.33.075, 27.35.065, 27.37.055, 27.39.065, 27.41.075, 27.43.075, 27.45.065, 27.47.065, 27.49.075, 27.51.085 to provide grading & land disturbance regulations for the AG, AGR, R-1 through R-8, O-1 through O-3, R-T, B-1 through B-5, H-1 through H-4, & I-1 through I-3 Zoning Dists., respectively; amending Sec. 27.81.010 of the LMC to adopt the policy recommendations of the Mayor's Stormwater Advisory Committee related to the Comprehensive Stormwater Management Plan; & repealing Sec. 27.81.010 of the LMC as hitherto existing, the second time.

AMENDING CHAPTER 20.12 OF THE LMC TO ADOPT THE POLICY RECOMMENDATION RELATED TO THE COMPREHENSIVE STORMWATER MANAGEMENT PLAN. (IN CONNECTION W/00-28, 00-29, 00R-38) - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 20.12 of the LMC, the Lincoln Building Code, by amending Sec. 20.12.090 to adopt the policy recommendations of the Mayor's Stormwater Advisory Committee related to the Comprehensive Stormwater Management Plan; & repealing Sec. 20.12.090 of the LMC as hitherto existing, the first time.

MISCELLANEOUS BUSINESS

PENDING LIST -

AMENDING SEC. 9.16.230 OF THE LMC TO DEFINE "NUDITY" & TO MAKE IT UNLAWFUL FOR A PERSON TO APPEAR IN ANY PUBLIC PLACE IN A STATE OF NUDITY OR FOR AN EMPLOYEE OR PERFORMER TO HAVE ANY PHYSICAL CONTACT WITH ANY PATRON - CLERK requested to remove Bill 00-14 from Pending for Public Hearing on 2/14/00.

COOK So moved.

 Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

COOK Moved to extend the Pending List for 1 week.

 Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

UPCOMING RESOLUTIONS -

COOK Moved to approve the resolutions to have Public Hearing on Feb. 14, 2000.

 Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

ADJOURNMENT

3:40 P.M.

COOK Moved to adjourn the City Council Meeting of Feb. 7, 2000.

 Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

 So ordered.

Paul A. Malzer, Jr., City Clerk

Judy Roscoe, Office Assistant III