

CITY-COUNTY COMMON

County-City Building • 555 S. 10th Street • Lincoln, NE 68508

County Commissioners
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Mayor
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City Council
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COMMON AGENDA MONDAY, JUNE 2, 2003

8:30 a.m.

DEPARTMENT OF HEALTH

(Meet for Tour at 3140 "N" Street

Move to 3119 "O" Street Training Center for Meeting)

I. MINUTES

8:50 a.m. A. Minutes of Common Meeting of May 13, 2003

II. PRESENTATIONS

8:30 a.m. A. Tour of 3140 "N" Street facility (20 Min)

9:00 a.m. B. Health Department Presentation (Dr. E. Schneider -15 Min)

9:15 a.m. C. Planning -Update on the Planning Commission Action on the Comprehensive Plan Annual Review - (45 Minutes)

III ADJOURNMENT Approx. 10:00 a.m.

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COMMON MEETING MINUTES

Monday, June 2nd, 2003

8:30 a.m.

Department of Health

(Meet for Tour at 3140 "N" Street

Move to 3119 "O" Street Training Center for Meeting)

(REVISED*)

COUNCIL MEMBERS IN ATTENDANCE: Ken Svoboda, Common Chair, Jon Camp; Jonathan Cook; Glenn Friendt; ~~Coleen Seng~~ *Patte Newman*; Terry Werner; *COUNCIL MEMBERS ABSENT:* Annette McRoy

MAYOR SENG: In Attendance.

COUNTY BOARD MEMBERS IN ATTENDANCE: Ray Stevens, Common Vice-Chair; Larry Hudkins; Deb Schorr; Bob Workman; *COUNTY BOARD MEMBERS ABSENT:* Bernie Heier

OTHERS IN ATTENDANCE: Bruce Dart, Health Department Director, Dr. Ed Schneider, Board of Health; Mark Bowen, Mayors Office; Kerry Eagan, Gwen Thorpe, County Board Office; June Remington, Aging Department; Lynn Johnson, Parks & Recreation Department; Mike DeKalb, Steve Henrichsen, Kent Morgan, Director Marvin Krout, Planning Department; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda

1. MINUTES

(1) Common Meeting of Tuesday, May 13, 2003

Chair Ken Svoboda opened the meeting and called for approval of the above-listed minutes. Ray Stevens moved to amend those minutes at Page 3, Paragraph 3, Line 2, to indicate '84th Street' and not "48th Street". Larry Hudkins moved approval of the minutes, as amended. The motion was seconded by Jon Camp and carried by unanimous consensus.

THIS MEETING WAS SCHEDULED TO ADDRESS:

TOUR OF THE HEALTH DEPARTMENT'S 3140 "N" STREET FACILITY

HEALTH DEPARTMENT PRESENTATION

PLANNING DEPARTMENT'S UPDATE ON THE PLANNING COMMISSION ACTION
ON THE COMPREHENSIVE PLAN ANNUAL REVIEW

TOUR OF THE HEALTH DEPARTMENT'S 3140 "N" STREET FACILITY - Common Members and staff met at the 3140 "N" St. Facility for the tour, conducted by Health Department Director, Bruce Dart.

HEALTH DEPARTMENT PRESENTATION - Dr. Ed Schneider made the presentation to the Common. He passed out material to the Common members which he then reviewed. [See Attachment A]. He noted that the focus was on educating the public in ways to prevent mosquito proliferation and mosquito bites. With limited funds, they wanted to put the spending focus where it would be most beneficial and no funds had been set aside for spraying, which is a very inefficient method of controlling the mosquito population. Mr. Bruce Dart interjected that a better technique for a knock-down of the [mosquito] population would be spraying at the larvae stage - before they develop.

Mr. Camp stated that he had heard from several constituents regarding flood control and wetlands and even the Holmes Lake dredging area with concerns about the West Nile Virus. He asked if Mr. Dart could give a little information to the Common members on that concern...including the potential breeding ground for mosquitos. Mr. Dart answered that the concern is the standing water where there is little movement. That is where the mosquito larvae grow. With the dredging, there is so much movement and so much organic material that it doesn't lend itself to a breeding environment. As far as Holmes Lake, that isn't an area of concern, as much as some other places that aren't being disturbed or that lack that level of organic matter, which does not allow the larvae to incubate. However, again, spraying is not where we're focusing our resources on this problem.

Mr. Camp asked about the Southwest area wetlands, which would not have a huge movement of water, being a potential problem area? Mr. Dart answered that those were the areas that have been treated in the past and we will continue to monitor those areas to see if they are becoming a habitat for the mosquito larvae breeding. They will be treated if the need is there.

Dr. Schneider continued his review of the material, covering all of the issues listed. Mr. Werner asked if there were a cost to the City when the National Terrorism Alert was raised, when extra precautions are required? Mr. Dart answered that the number of surveillance outlets might be increased, but as far as the cost of the effort, it doesn't really transfer. Our response is standard operating procedure.

Mr. Ray Stevens asked, regarding the second-hand smoke issue -and the scientific analysis indicating that 17 hospitality workers die of second-hand smoke every year- what is the delay time between the exposure and the death. Is there an average number of years? Mr. Dart stated that there are a lot of factors that come into play. The worker's health status, and other health issues that result from that exposure; the worker's age and other issues.

Mr. Friendt asked how that `17 persons' compares to the number of hospitality workers and how does that rate compare to the rate in the general population? Mr. Dart answered that those are correlation studies questions that we will be looking at soon. The staff is looking into that information now, so we can state very specifically that this is a direct cause and effect issue that needs to be addressed. We will have that information before we bring the issue before the Council.

Mr. Camp asked what process was being utilized (with the restaurant association and those establishments that still have smoking environments) to build a consensus on this issue? Mr. Dart answered that they've engaged the Restaurant Association in discussion. The Association has indicated that they want to be a part of this process, so there will be meetings with the Association membership to get their input during the ordinance drafting process. We also want to reassure the business community that all of the data that we have show that this will not be a negative impact in Lincoln. Our issue, of course, is the public health issue - the worker safety issue. Their issue is business profits. So, unless we engage them in discussion and make them a part of the process, we can't satisfy the needs of the community. We won't do this unless we can meet with them and reach a satisfactory consensus.

Mr. Werner asked if this would be City and County wide or only in the City of Lincoln. Mr. Dart answered that at this point, they were only concerned with the City of Lincoln. Most communities in the County have their own laws, rules and regulations on this. Probably it will be similar to the Fire Code which can be used if the different communities choose to do so; then, they could utilize the ordinance.

Mr. Hudkins thanked Dr. Schneider for his great leadership of the Lincoln Lancaster County Board of Health. Mr. Svoboda added that Dr. Schneider's commitment to public health is one that exceeds, by far, anything that he has seen from a volunteer standpoint. Mr. Svoboda stated that he knew a lot of public health professionals across the country that would love to have a non-paid volunteer like Dr. Schneider on their Board of Health. We're very fortunate to have him. Mr. Svoboda thanked Dr. Schneider for his presentation.

Mr. Svoboda took a moment from the meeting to introduce the newest Member of the Common - Ms. Patte Newman, recently elected City Council Member. He welcomed Ms. Newman, who, he believed everyone knew through her work on the Planning Commission. He asked if Ms. Newman wished to make any comments. Ms. Newman declined. Mr. Svoboda then welcomed Ms. Coleen Seng to her first Common meeting as the Mayor of Lincoln.

PLANNING DEPARTMENT'S UPDATE ON THE PLANNING COMMISSION ACTION ON THE COMPREHENSIVE PLAN ANNUAL REVIEW - Mr. Steve Henrichsen came forward and passed out the attached Comprehensive Plan Annual Review outline. [See Attachment B].

He stated that the Planning Department had a very brief update for the Common on the Comprehensive Plan Annual Review. He stated that there were three points they wanted to go over today.

The first is a brief review of the Planning Commission Action; the second is to identify any amendments on which the Common members would like to have additional discussion at a future Common meeting; and the third would be to determine a meeting date for a joint hearing before the City Council and the County Board to review all of the Comp Plan Amendments that are ready at that point - sometime in July. This would be the public hearing.

Mr. Henrichsen reviewed the twenty amendments on the outline, one more than had been presented at the May Common Meeting. The additional amendment [#20] really relates to Amendments 14 and 15 regarding future larger commercial centers in the south part of Lincoln between 14th and 48th Street. Though the three items were related, they felt each should be determined on its own merit.

Two Amendments have been Withdrawn. The Public Works Department withdrew #5 (Wildrose Lane Study) for further study and discussion on that item. Today, #8, requested by the Ag Society at 84th and Havelock Avenue, was withdrawn at the Society's request. Mr. Camp asked what a withdrawal, for example with the Wildrose Lane Study, will do to the project? Mr. Krout stated that currently the Comprehensive Plan says that there will be a study. The Union Pacific Railroad objected to the Public Works proposal for an extension of Fletcher Road west of 27th and across the railroad tracks. So, there is no agreement for a long-term solution with appropriate wording. The wording that is in the Comp Plan now is still appropriate, and we will continue to study the issue.

Mr. Hudkins stated that the wording in the Comp Plan is very specific stating that "Wildrose will remain open and studies will be conducted to find future alternatives". This keeps the present language in place where the new language would have been to delete the words "keep it open" and to put it specifically across the extension of Fletcher. Mr. Hudkins stated that there were a number of things to consider regarding the closure of Wildrose. There are a number of things going on in that area and we will find a solution to it; we just haven't found the best one yet.

Mr. Camp asked for clarification on the 84th & Havelock project. Mr. Henrichsen stated that it was concerning property owned by the Event Center. They had requested to change 10 acres right on the southeast corner of 84th & Havelock from Public/Semi-Public to Commercial. They have withdrawn that request. Mr. Hudkins added that when they purchased the property initially, they had always had in mind the eventuality of amenities to augment the facilities which are there. Specifically, they've always thought some type of housing -motel and/or restaurant- is needed in that area. They just want to make sure that they get some flood plain issues handled before they proceed. Mr. Henrichsen stated that it is withdrawn at this point, but it may come forward in the future, but will not be part of the Annual Review Hearing for next July.

Mr. Henrichsen noted that nine of the Amendments were recommended for approval. Several of them were approved without any comment. (Items 1-3, 6, 10*, 14-15 and 19)

Item 4 - A large project and some additional time was requested to review the item. This may be continued to June 25th and may need additional time even then.

Items 7 and 9 - were placed on pending. The Planning Commission wanted to see the result of the rural cost of service study [#7] regarding County Impact fees before they made a recommendation. On Item 9 - After a meeting with the City of Hickman's City Council, they agreed to have this item wait until the acreage studies have been completed. There were two main items to be held regarding Hickman's plans for the area outside their one-mile jurisdiction. One was south and west of Hickman which they had proposed for acreages, but we felt the larger acreage study should be completed before any additional acreages were designated...they definitely agreed with that. The second item, we thought didn't match the goals of the Comprehensive Plan where they had shown some commercial zoning outside of their One Mile Jurisdiction. They also agreed to delay that until further discussion.

Ms. Seng asked where the "horizon" was which was referred to Hickman's plan. Mr. Henrichsen stated that it was the name of their plan within their one mile and for an area one mile beyond it. They realize that they do not have jurisdiction in that one mile area beyond it, so they had just proposed land uses for that area. But the City/County Comprehensive plan doesn't match their Comprehensive Plan. In general, it does match very well, but these two planned uses require further discussion.

***Item 10** - A clarification - There was concern regarding saline wetlands with this Hampton Development Services's project. The original proposal would have potentially impacted some areas designated as environmental resources and saline wetland. After discussion with City Staff and other agencies, Hampton Development Services amended their proposal and now it is much more of a minor change in the boundaries. It is not in any of the environmental resources designations. The Planning Department and the Planning Commission have recommended approval of this amended proposal which will be the one coming before you.

Item 11 - Several neighbors had concerns about this proposal. This proposal only has to do with the land uses. Most of the concerns expressed had been on how this area would be provided with sewer service. They have made a proposal for a system to serve the commercial area at 98th & "O" prior to the trunk line being developed. That is not part of this amendment. That is part of the development proposal that may be coming forward this year.

Mr. Cook noted, that regarding 98th Street, there is an alignment issue that is not currently shown in the Comp Plan. What *is* this re-alignment being proposed? Mr. Henrichsen stated that it was part of their original proposal and is not part of the amendment at this point. The re-alignment on 98th Street is also not a part of the amendment. Some of the neighbors in the area were also concerned about that. The amendment, at this point, is very general stating light industrial in the area west of 98th and north of "O" Street and having a larger commercial center on both sides of 98th north of "O" being shown as appropriate. But it does not specifically designate any specific area location for any specific use. The only thing coming forward in the amendment is this very general land use designation. The applicants agreed to that general change in their original proposal and Planning Commission recommended approval of that amendment.

Mr. Stevens asked, if this amendment were approved, when would the public have an opportunity to voice their concerns about the actual development? Mr. Henrichsen answered that Kent Seacrest has said that he wanted to have additional meetings with the adjacent property owners to discuss their concerns. There are also concerns from Sunrise Estates as to when they would be annexed. Those issues would be coming forward as a separate use permit or preliminary plat. It would have public hearing before the Planning Commission at a future date - perhaps as much as six months or more down the road.

Mr. Camp stated that he has had calls from constituents who have property within the City Limits. They are concerned that we're going outside the City here. They're concerned about the watershed issue. What can I say to them when they're not getting their land use designation. The concern involves land use and zoning issues. Mr. Henrichsen stated that within the Future Service Limit there is a land use designation for all property, whether it is urban/residential, or commercial. He noted that each particular circumstance would have to be reviewed before he could make a comment on it. Mr. Camp stated that he would refer the constituents to Mr. Henrichsen then.

Items 12, 13 and 18 - Recommended for Denial. These are three commercial proposals along Highway 2. While the location along Highway 2 is the relating issue on these three proposals, each has it's own circumstance to consider. **Item 12** is about 60 acres that had been requested as a commercial designation about 8-9 years ago by Shopko and Menards. This property is immediately adjacent to the Trade Center south of Highway 2. Neighborhood associations in the area opposed that designation and Staff and the Planning Commission both recommended denial. **Item 13** was to add commercial use on the north side of Highway 2 by the Berean Church and Pine Lake; and to change the office zoning on the south side of Highway 2 (Home Depot) for use as a car dealership. This was opposed by the Pine Lake Association and the Country Meadows Association. This proposal was also recommended for Denial. **Item 18** is at 91st Street on the north side of Highway 2, east of 91st Street. This was to add an approximate 40 acres of commercial, but still stay within the over-all trip cap that had been approved. There were many property owners and home builders who owned the property north of this site who expressed opposition to the change from urban/residential to commercial. The Planning Commission recommended Denial, even though the Planning Department recommended approval.

Items 14 & 15 - As noted above, these relate to a larger commercial center at 27th & Yankee Hill. Item 15 also has a light industrial employment center on 48th Street half-way between Yankee Hill Road and Rokeby Road. It's a site that provides I-3, Light Industrial - it has a real good opportunity to preserve the adjacent tree mass in the flood plain next to it, providing an adequate buffer for that Light Industrial. The Comp Plan notes that we want more sites for Industrial Zoning. Both of those Items are coming forward with recommendations for Approval.

Item 16 - This does relate to wetland designation. Objections come from Game & Parks Department regarding this particular proposal, so it has been continued until June 11th to see if anything can be worked out by the regulatory agencies on those issues. This area is south of Arbor, north of Salt Creek, west of 70th Street.

Item 17 - Recommended Denial.

Item 19 - Similar to Item 11 in that it is a very general planned use designation. This is in connection with the Homestead Expressway and West Denton Road. There are some issues with how the West Denton Road will be located. This item will not address the opening or closing of Old Cheney Road one way or the other. Common members agreed that the whole area of the West Bypass should be determined prior to the changing of some of these land use areas. [After several concerns were brought forward, Common members determined that this issue should be further discussed at the July Common Meeting]

Item 20 - Will have it's first hearing on June 11th.

The Planning Department requested dates for the Joint Meeting of Council and the County Board for the Public Hearing on these amendments. The date was set for Thursday, July 10th from 5:30 - 8:30 p.m. in the Council Chambers. Action would be taken by the two bodies separately at a later date to be determined after the public hearing on the 10th.

OLD BUSINESS - Mr. Kerry Eagan came forward to make a brief presentation on the Joint County/City Receptionist position. He stated that the interlocal agreement had gone from the County Attorney to the City Attorney over a month ago. Mr. Eagan reported that he had talked with Mr. Roper this last Friday and Mr. Roper had indicated that he was checking with the City Council about some of the provisions. Mr. Bowen stated that the final decision came down to the sharing of the cost for the equipment, supplies, computers, etc. After discussion the Common members decided that they would wish to continue the equipment/supplies cost along the same split as that for the space - 50/50 and not the 25/75 split for the personnel costs. Glenn Friendt made a motion to move the recommendation for approval of a 50/50 split. The motion was seconded by Ray Stevens and approved by the following vote: CITY: AYES - Jon Camp, Jonathan Cook, Glenn Friendt, Patte Newman, Ken Svoboda, Terry Werner; NAYS: None; ABSENT: Annette McRoy. The County will vote on the issue at their next meeting.

The Personnel Director is working on the hiring of a person for the position.

NEW BUSINESS - The next Common Meeting schedule was set for 3:00 p.m. Tuesday, July 8th in Conference Room 113 to address the Homestead Expressway issues. The meeting will then turn to the Common Yearly Budget presentations beginning at 4:00 p.m. The meeting will be held in Conference Room 113 of the County/City Building

ADJOURNMENT - Mr. Svoboda called for adjournment. The motion was made and seconded and the meeting was declared adjourned by unanimous consensus at approximately 10:12 a.m.

*Submitted by
Joan V. Ray
Council Secretary*

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