

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 13, 2009, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Michael Cornelius, Dick Esseks, Roger Larson, Jim Partington, Lynn Sunderman, Wendy Francis and Tommy Taylor (Leirion Gaylor Baird and Gene Carroll absent); Marvin Krout, David Cary, Mike DeKalb, Brandon Garrett, Teresa McKinstry and Jean Preister of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Special Public Hearing: **2009 Comprehensive Plan Annual Review; the Planning Commission Review Edition of the draft six-year Capital Improvements Program (CIP) for FY2009/2010 - 2014/2015; and the draft FY2010-2015 Transportation Improvement Program (TIP) for the Lincoln and Lancaster County Planning Area (Lincoln MPO).**

Vice-Chair Lynn Sunderman called the meeting to order and opened public hearing on the **Comprehensive Plan Annual Review.**

**COMPREHENSIVE PLAN AMENDMENT NO. 09001
TO ADOPT TEXT CHANGES TO THE COMMUNITY
FACILITIES CHAPTER RELATED TO PUBLIC
SAFETY-LAW ENFORCEMENT**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 13, 2009

Members present: Esseks, Partington, Larson, Francis, Taylor, Cornelius and Sunderman; Gaylor Baird and Carroll absent.

Ex Parte Communications: None.

Staff recommendation: Approval.

Staff presentation: **David Cary of the Planning Department** presented the proposed amendment on behalf of the Lincoln Police Department (LPD) for change in text of the Community Facilities Chapter, Public Safety - Law and Enforcement, to clarify the intent of LPD that over time they will be coming forward with public improvements and new

facilities for expanded operations as the community grows and changes over time. It is intended to clarify the language currently in the plan.

Esseks asked Cary to define what is meant by a “full service assembly station”. Cary explained that it is intended to provide a site in the future for maintenance of vehicles and for starting and ending the workday - officers and staff bringing vehicles to and from the site. The intent is to not have as much dead-heading back into downtown and to be more efficient with officers and staff time.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

May 13, 2009

Cornelius moved approval, seconded by Francis.

Cornelius noted that the Planning Commission received a briefing on this amendment last week and it appears to be pretty straight forward in terms of clarification of the language.

Motion for approval carried 7-0: Esseks, Partington, Larson, Francis, Taylor, Cornelius and Sunderman voting ‘yes’; Carroll and Gaylor Baird absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 09003,
TO ADOPT TEXT CHANGES TO THE COMMUNITY VISION
CHAPTER TO ADD THE GENERAL TOPIC OF “SUSTAINABILITY”.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 13, 2009

Members present: Esseks, Partington, Larson, Francis, Taylor, Cornelius and Sunderman; Gaylor Baird and Carroll absent.

Ex Parte Communications: None.

Staff recommendation: Approval.

Staff presentation: **Marvin Krout, Director of Planning**, advised the Commission that he received a telephone call this morning regarding this amendment and the following Comprehensive Plan Amendment No. 09004 from an attorney representing the local Home Builders Association and a specific rural area developer in Lancaster County, indicating that he is unable to be here today and has not had sufficient opportunity to consult with his clients. Krout suggested that the Commission continue the public hearing on both amendments for one week to allow for that testimony to be heard next week on May 20th. Staff has no objection to this deferral.

Larson moved to defer, with continued public hearing and action on May 20, 2009, seconded by Esseks and carried 7-0: Esseks, Partington, Larson, Francis, Taylor, Cornelius and Sunderman voting 'yes'; Carroll and Gaylor Baird absent.

Staff presentation: **Brandon Garrett of Planning staff** advised that he did receive one phone call in opposition to this amendment.

This amendment has two basic goals: 1) to add some general language to address and acknowledge this new trend and very broad topic of "sustainability". This generalized language could be viewed as a starting point or the foundation for future amendments to the Plan.

The Planning Commission has been briefed on this proposed amendment, as well as the Mayor's Environmental Task Force, the Mayor's Neighborhood Roundtable, and the County Ecological Advisory Committee (which has voted in support). Yesterday, the Mayor announced the "Cleaner and Greener Lincoln Initiative" which includes such things as energy efficiency initiatives.

Opposition

1. Rick Krueger testified in opposition. He wanted to know the genesis of this idea. He agrees that "ideas matter" in the Comprehensive Plan, but he believes this proposal is wrong. It is not apparent that our present economic system is unsustainable. The amendment talks about "...increased understanding of the limits to energy supplies and community resources, the likelihood that energy costs will continue to increase in the future, and the climatic impacts of energy consumption". Krueger contends that Lancaster County is not going to "save the whales" by having this concept. We will not change any of the dynamics of the world.

With regard to the presumption of energy costs, Krueger submitted an article from the April 30th Wall Street Journal, *U.S. Gas Fields Go From Bust to Boom*. Gas has been found in northern Louisiana, estimated to be the equivalent of 18 years of current oil production. The article also states that there are natural gas fields in Texas, Arkansas and Pennsylvania, estimated to be over 100 years' supply at today's current use. Krueger also provided information indicating that the net change in cost of fossil fuel production for coal, natural gas and crude oil over the last 60 years is negligible - 2.8% in real dollars. That is remarkable stability.

Krueger submitted that "we are more efficient today than we have ever been." Furnaces are now 90% efficient. The new areas of town are using much less water per dwelling unit than in the older parts of town. Sprinkler systems knock down the peaks, which helps all

systems. We have to raise rates because we are not pumping as much water, but we are becoming more efficient and that continues.

For example, in 1977, we had just come out of the energy shock. At that point there was language put in the Comprehensive Plan that we were going to use buses and car pool, so we quit building road capacity, which has caused some real road problems. Ideas matter.

Krueger's goal is to make things simpler in dealing with Comprehensive Plan issues, zoning and other building related issues.

(Editorial Note: The information submitted by Rick Krueger is attached as Exhibits "A", "B" and "C".)

Esseks noted that there are six changes in the staff report, and wondered whether there are any changes which Krueger specifically opposes. Krueger does not like the idea of "regional planning". He wants to keep decision making at the local level to the greatest extent possible. Maybe major transportation planning can be done regional, but he wants land use policies to remain at the local level. In terms of community densities and urban growth, Krueger believes that part of these changes will naturally lead to increased densities as a concept, and the neighborhoods have rejected density over the past few years. In Krueger's view, there is no reason not to allow people to do what they want with their properties as opposed to moving in a certain direction.

Support

1. Adam Hintz, 1611 Van Dorn, co-owner of Meadowlark Coffee & Espresso, testified in support. Today is his daughter's third birthday and he cannot think of any better way to celebrate than to talk about sustainability. Sustainability addresses the future for our children, grandchildren and great grandchildren. Putting this language in the Comprehensive Plan starts to show that there is a new idea and that we do have to take care of this place. We have to provide for the future generations.

Sustainability is very important in order to figure out ways to have energy and keep a high quality of life. Hintz is grateful that this topic is being addressed because it means the future of his daughter and grandchildren is being addressed. Efficiency is a no-brainer as long as we keep our mind on it. There are a lot of groups and individuals in Lincoln that are now interested in sustainability.

2. Stuart Long, 4412 NW 49th Street, testified in support. He stated that he is also representing Lincoln Green by Design, an organization also in support. He does not think anyone disagrees that we have not enjoyed a wonderful period of prosperity from World

War II until now, but the question is “how much longer it is going to run?”. There is plenty of evidence that we are at the end of the easy and great times. He does not know whether sustainability is an achievable goal but it is certainly one we should all be working toward, leaving a world that we have not diminished in any way. In every way possible, we need to develop renewable, recyclable and sustainable methods of doing everything we do. This language just makes that a goal and does not impede anyone.

3. Dan King, 2350 S. 34th Street testified in support on behalf of himself and the Greater South Neighborhood Association. He is also the Household Hazardous Waste Coordinator for the City and County. Lincoln and Lancaster County stand only to gain from adopting policies such as this to promote a healthy environment. This amendment will ensure a better future for his children and their community. This is more than an idea – it is based on science and necessity.

4. Kristy Wamstad-Evans, 1209 Peach, testified in support. She is a program coordinator for HDR in Omaha. From her experience, the vision-setting portion of the language proposed today is critical to the actual implementation of ideas that will result in solutions bringing greater sustainability and greater in-depth thinking about creative solutions in a community. If the goals are not formed and in place, there will be no initiative to challenge some of the standards. There is a real benefit to have a base line or foundation like this to help encourage the community and to present a challenge that transitions over time into an opportunity that brings better community and better environment. We need to be starting to think more globally about how we interact with other systems. We are a piece of a larger society and we have responsibilities towards that.

Esseks asked Wamstad-Evans to share from her experience a success story for a community like ours. Wamstad-Evans referred to a bridge repair replacement program throughout the State of Oregon. Williamsburg Bridge would be a good example where they had to bring in an interdisciplinary team to look at the best engineering solutions and the best solution for public involvement and how to minimize the environmental impact. Some of the solutions included the use of a product on bridges that would let the water infiltrate through a more filtered system; pedestrian pathways providing multi-modal opportunities; and sustainable return on the investment in the materials that were selected. The goal was to stimulate the local economy. The trend is to try and find that triple bottom line balance between economic, social and environmental solutions.

This amendment will have continued public hearing and action on May 20, 2009.

COMPREHENSIVE PLAN AMENDMENT NO. 09004
TO ADJUST THE TEXT IN THE RESIDENTIAL CHAPTER
REGARDING RURAL AREA/ACREAGE POLICY.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 13, 2009

Members present: Esseks, Partington, Larson, Francis, Taylor, Cornelius and Sunderman; Gaylor Baird and Carroll absent.

Ex Parte Communications: None.

Staff recommendation: Approval.

The Director of Planning, during his testimony on Comprehensive Plan Amendment No. 09003, suggested that the Commission continue this public hearing on May 20, 2009.

Francis moved to defer, with continued public hearing and action on May 20, 2009, seconded by Partington and carried 7-0: Esseks, Partington, Larson, Francis, Taylor, Cornelius and Sunderman voting 'yes'; Carroll and Gaylor Baird absent.

There was no public testimony.

COMPREHENSIVE PLAN AMENDMENT NO. 09005
TO ADOPT TEXT AND DIAGRAM CHANGES TO
THE PARKS - RECREATION AND OPEN SPACE CHAPTER
TO ADD UNION PLAZA AS A REGIONAL PARK AND TO
ALLOW COMMUNITY PARKS TO SERVE AS
NEIGHBORHOOD PARKS.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 13, 2009

Members present: Esseks, Partington, Larson, Francis, Taylor, Cornelius and Sunderman; Gaylor Baird and Carroll absent.

Ex Parte Communications: None.

Staff recommendation: Approval.

Staff presentation: Brandon Garrett of Planning staff shared the revised diagram, which is part of this amendment, showing how community parks are proposed to be laid out and planned, with the parking facilities and major ballfields closer to the arterial streets, and with the adjacent residential neighborhoods and neighborhood facilities located closer to the neighborhoods. This amendment also allows community park features to qualify as neighborhood parks in terms of spacing, etc. In other words, to keep up with our current

practice, when a neighborhood already has a community park, a second neighborhood park would not be required if that community park could provide those neighborhood park features. The idea is that the neighborhood is already served by those facilities. There are other minor amendments to specifically list Union Plaza as a regional park.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

May 13, 2009

Larson moved approval, seconded by Taylor and carried 7-0: Esseks, Partington, Larson, Francis, Taylor, Cornelius and Sunderman voting 'yes'; Carroll and Gaylor Baird absent.

**PLANNING COMMISSION REVIEW EDITION
OF THE CITY OF LINCOLN'S DRAFT
SIX-YEAR CAPITAL IMPROVEMENTS PROGRAM
FY 2009/10 - 2014/15**

and

**THE DRAFT FY2010-2015 TRANSPORTATION
IMPROVEMENT PROGRAM FOR THE
LINCOLN METROPOLITAN AREA.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 13, 2009

Members present: Esseks, Partington, Larson, Francis, Taylor, Cornelius and Sunderman; Gaylor Baird and Carroll absent.

Ex Parte Communications: None.

Staff recommendation: A finding of full or general conformance with the Comprehensive Plan, as revised.

Staff presentation: **David Cary of Planning Department** explained the process for the Capital Improvements Program (CIP) which sets funding strategies for major construction projects and land acquisition. Capital expenditures are viewed in context of the cost and the impact in the City's operating budget. Capital improvements have useful life of 15 or more years. The CIP is not intended to be an all-inclusive inventory of the City's capital needs for the upcoming six years. The City Charter assigns the responsibility for assembling the CIP to the Planning Department. Each City Department projects capital needs and creates an improvement program for a six-year period. Each project is evaluated as to conformity with the Comprehensive Plan along with the most recent funding projections and revenue calculations.

The Mayor's Capital Improvements Advisory Committee (CIAC) with representatives from the Mayor's office, Finance Department, Public Works & Utilities Department and Planning Department, guides the development of the CIP document. The CIP is reviewed for conformance with the Comprehensive Plan by the Planning Commission, which makes a recommendation to the Mayor and City Council for consideration during their budget deliberations. Year one of the CIP becomes the capital budget for FY2009-10, beginning on 9/01/09.

Cary then submitted two formal amendments to the Parks & Recreation CIP (attached hereto as Exhibit "D") and the Public Works & Utilities, Streets and Highways CIP (attached hereto as Exhibit "E") as follows:

1. Amendment to the Parks & Recreation CIP to add a project that will acquire private property and construct additional parking for the Antelope Park area, including the Children's Zoo, Rock Island Trail and the Shildnek Bandshell. The funding will come from other funds outside of city revenue. This project is located in both the first and second year of the CIP (Exhibit "D" attached hereto). Staff finds this project to be in general conformance with the Comprehensive Plan.
2. Amendment to the Public Works & Utilities, Streets and Highways CIP, to add a project to complete design engineering and begin right-of-way acquisition for 4-lane improvement on Coddington from Van Dorn Street to West A Street. The funding will come from local funds in the first year (Exhibit "E" attached hereto). Staff finds this project to be in conformance with the Comprehensive Plan.

Esseks asked Cary to define the difference between "in general conformance" and "in conformance". Cary explained that as far as staff review is concerned, all projects included have been found to be "in general conformance" or "in conformance". "General conformance" indicates that the proposed project or program is something that concurs with the general guidelines of the Plan and/or may be referenced in some way in the Plan and consistent with the Plan. If a project is found to be "in conformance", there is a much more explicit reference to the project itself or the program in the CIP document.

The Chair then opened public hearing on the individual department/agency Capital Improvements Program:

Building & Safety

1. Bill Moody, Chief of the Bureau of Fire Prevention, presented the CIP for Building & Safety, which includes the acquisition and construction of a steel Morton building to house the specialized equipment as opposed to leasing space with 4% annual increases in lease payments.

There was no other testimony.

Finance, Communications

1. Julie Richter, Communications Coordinator for Lincoln and Lancaster County, made the presentation, including four projects, three of which are slated for a public safety bond yet to be scheduled: 1) new emergency communications or 911 center; 2) upgrade to wireless radio system; and 3) communications command post to support communications equipment, e.g. space where radio technicians can program radios, etc. The fourth project is an emergency notification system similar to reverse 911 providing the

ability to make multiple call-outs to wireless telephones for evacuation and other hazardous occurrences.

There was no other testimony.

Finance, Pershing Auditorium

1. Tom Lorenz, General Manager of Pershing Center, gave the presentation. Pershing Center still remains an active and very useful building. This year has been more difficult in revenue generation. This CIP request addresses deferred maintenance, upgrade of aging equipment to significantly increase energy efficiency and capital equipment replacement. A lot of times the deferred maintenance has been put off, looking forward to the new arena decision. Regardless of that decision, however, this center will still be needed for 5-10 years so we need to address these issues.

There was no other testimony.

Fire & Rescue

1. David Cary gave the presentation on behalf of the Lincoln Fire Department. The Fire Department CIP program involves the use of public safety bond issue in year three, 2011-12, when they will replace one fire station and build two new fire stations as well as develop an education, training and fleet service campus as part of the bond issue.

Esseks inquired as to why Station No. 12 has to be replaced. Cary noted that this station is located at 84th Street near A Street. It was built in the 1970's, and there is need to upgrade the facility for the equipment that is being housed at that station. It has been discussed for a long time.

Larson inquired as to the location of the two new fire stations. Cary indicated that those locations have not yet been determined. Some of the discussion this year has been toward the effort to make sure we are as efficient as possible to make sure we are siting them or collocating them with other public uses.

Lincoln City Libraries

1. Greg Mickells, Assistant Director of Libraries, gave the presentation. There are three items in the Library program. The first year includes replacement of the roof on the Bethany Branch Library, originally installed in 1989 and the warranty has been expired since 2004.

A project for 2010-11 is to replace The Book Mobile, which was put in service in 1993. It's normal life is approximately 15 years, so it has been in service for 16 years. The repairs are getting expensive. It is a valuable service both in the City and County.

The third project is replacement of Bennet Martin Library in the downtown area. This has been on the CIP agenda for some time and it continues to be pushed back, but they would like to keep it visible.

Esseks believes the roof replacement at Bethany Library conflicts with the serious discussion to close that library branch. Mickells acknowledged that it would be one of the facilities that would close based on the submittal requirements for the 09-10 budget; however, it still needs a roof. Hopefully, it will remain open.

There was no other testimony.

Lincoln Electric System

1. **David Cary of the Planning Department** appeared on behalf of LES. The LES proposal is part of the CIP process, but not necessarily part of the city budget process. LES does provide information on their programs and proposals. The program for LES is significantly lower this year partly due to the fact that the demand for expanding for growth related purposes has been lessened.

There was no other testimony.

Area Agency on Aging

1. **June Pederson, Director of Lincoln Area Agency on Aging**, indicated that the Northeast ActiveAge Center has been pushed back to 2012/13. They are still in the process of retrenching rather than expanding, but hopeful that this can remain on the list and at some point she will come forward to say they are ready.

There was no other testimony.

Police

1. **David Cary of the Planning Department** appeared on behalf of the Police Department. Their CIP includes a canine training facility in year one, using other financing. The remainder of the Police program proposed uses the public safety bond issue in 2011-12, and includes a garage maintenance and repair facility as well as a full service assembly station in multiple phases.

There was no other testimony.

Urban Development

1. **Dallas McGee, Assistant Director**, presented a total of 15 projects, with 13 in the first year, totaling about 12 million dollars. The largest funding source is related to the parking garages and lots, a function transferred to Urban Development from Public Works. There are just over 9 million dollars of revenue bonds and service charges related to parking. Six projects will be funded with TIF funds, including 20th and R (Assurity), 19th & K, Bank of the West or Lincoln Flats in Downtown, North 27th Street, Havelock and 48th & O Streets.

Federal CDBG funding will be used for focus area improvements, economic opportunity fund and low and moderate income area park improvements for Trago Park.

There is also \$60,000 in MIRF funds.

There are no general revenue funds identified for the first year; however, there are two projects shown in the second year, i.e. College View streetscape and Downtown street trees.

There was no other testimony.

Parks & Recreation

1. **JJ Yost, Planning and Construction Manager**, stated that it is a real juggling act to meet new growth, upkeep, repairs and replacements with existing infrastructure. Parks is listing approximately 60 projects, half of those being in the first year, the majority of which are annual repair and replacement programs that carry on every year. The primary funding source consists of the Parks & Recreation Fund, which is designated to the Parks CIP that comes in from rental of cell tower space on park properties (\$380,000/year); they also receive approximately one million dollars in Keno funds; and then impact fees are used for development of new neighborhood parks and commuter recreational trails associated with new growth areas.

The key projects for next year are building funds for repainting of the Rock Island Trail bridge over S. 27th Street; master planning at Oak Lake Park associated with the West Haymarket development; repair work at F Street Rec Center; as well as the office administration building for ADA improvements. The rest is tied up in the annual repair and replacement program. Three to four playgrounds should be replaced each year, but they have only been able to do one a year now at best. With the lack of general revenue available, they cannot get to the renovations fast enough.

2. Rick Krueger submitted a proposed amendment:

Add Porter Park to the project list and allocate \$30,000 from impact fees to make a gravel parking lot, picnic tables, and appropriate fencing to allow for the use of the existing soccer pitch.

Porter Park is located south of the wireless tower on South 27th. The park is there; it was graded when deeded to the City for a soccer pitch. He wants to get it to the point so that the children can use it. There is already an approach off S. 27th Street. All that needs to be done is create the gravel playground and put up the picnic tables and a fence. It is there ready to happen. He proposes \$30,000 come out of the impact fee fund. This is a simple construction that will take very little time. It is less money than the interest yielded on impact fees in one year. Krueger was successful in getting this amendment last year but it has disappeared again this year.

Public Works & Utilities

StarTran

1. Brian Praeuner, Transit Planner for StarTran, explained that the 2009-10 program includes funds for ongoing projects, many for replacements that have met their useful life such as supervisor vehicle, upgrade and replacing computer hardware/software, building renovations, and building up funds for bus replacement, twenty to be replaced in 2015. There is no use of general revenues in the first year. Only special reserves are being used.

There was no other testimony.

Streets and Highways

1. Thomas Shafer, Design/Construction Manager, stated that there are 27 line items totally 35 million dollars, which is very similar to past CIP's. They are down to the last few projects in Antelope Valley. Shafer requested that the Commission also approve the amendment relating to Coddington Avenue submitted by David Cary at the beginning of today's meeting (Exhibit "E").

2. Rick Krueger submitted four proposed amendments (Exhibit "F" attached hereto):

- #0181 Remove \$1,000,000 of residual city wheel tax and apply these funds to rehab of existing city streets.
- #0472 56th from Shadow Pines to Old Cheney: Add the new construction wheel tax of 2009/2010 (\$5,336,000) to advance construction to 2010 and build this in the 100' r.o.w. with a 5 lane cross-section (similar to Old Cheney from 60th to 70th).
- #0473 Old Cheney from 70th to 84th: Add the new construction wheel tax for 2010/2011 (\$3,285,000) and advance construction to 2011 and build this in the 100' r.o.w. with a 5 lane cross-section (similar to Old Cheney from 60th to 70th).
- New Add Pine Lake Road from 56th to Hwy 2: Allocate the new construction wheel tax for 2011/2012 (\$5,838,000). Build in 2012 with a 5 lane cross-section to minimize rail crossing costs and minimize construction in the floodplain.

Krueger recalled that in 1994, there were various improvements that needed to be done and the decision was made to use wheel tax for a portion of new construction. Krueger then showed a map of the areas that were going to be improved, including Old Cheney Road from 70th to 84th; 56th from Old Cheney to Pine Lake Road; and Pine Lake Road from 56th to Hwy 2 (map attached to Exhibit "F"). In 1994, this was determined to be a ten-year plan in the Comprehensive Plan. This is a plan that was adopted by the community and there was a funding source for these roads to be done. There were enough road projects that they created two environmental impact statements, "South Fringe" and "East Fringe". The city did pay about 1.4 million for those impact statements. The South Fringe study was done in 1996 and showed a schedule for Pine Lake Road from 56th to Hwy 2 to be constructed in 2004. Krueger does not see Pine Lake Road from 56th to Hwy 2 in the City's scheduled improvements. It has just disappeared.

Esseks acknowledged that Krueger's reasoning seems plausible. How should the Planning Commission address these suggestions? Thomas Shafer explained that the CIP goes through a long process, including the Mayor's Capital Improvement Advisory Committee. He also offered that since those times in 1994, there have been a number of other task forces and other recommendations. All of those things have to go into the decision on the CIP. We need to follow the process and he does not believe Krueger's amendments would be found to be in conformance.

Esseks inquired whether interested parties like Mr. Krueger were consulted or invited to attend any meetings in this process. In other words, is there a place for interested parties

to provide their input? David Cary explained that this public hearing is that opportunity. The Planning Commission can make a recommendation to forward the proposed amendments to the Mayor and City Council along with the CIP. There will also be an opportunity for discussion during the budget process.

Marvin Krout, Director of Planning, offered that the Commission can make recommendations to the Mayor and City Council. With regard to the use of wheel tax for sidewalks, the process of developing this plan is one that is done by a staff committee called the CIAC (Mayor's Capital Improvements Advisory Committee), including staff from various departments including the Budget office and the Mayor's office. Priorities are set after a lot of discussion. We do have some requirements for sidewalks through mandates from the federal government (Department of Justice) to comply with ADA requirements, which is a high priority, and it is a valid purpose for the use of wheel tax funds. Sidewalks are a part of the street and transportation system. The Committee decided that a portion of the funds should be continued to be identified for the sidewalks.

Krout agreed that the 56th and Old Cheney projects are important and they may have been part of a previous plan, but that is why we do annual updates of the Plan every year to review the priorities. In this particular case, the new construction wheel tax would need to come out of The Antelope Valley project if 56th & Old Cheney became a priority project. Antelope Valley does qualify as a new construction wheel tax project.

Krout also stated that Pine Lake Road becomes largely a question of priorities. The last section of Pine Lake Road is one that has less traffic because it ends at Highway 2. We don't expect it to have substantially more traffic in the future, and it is identified as a project that could remain with minimal improvements for a period of time.

The Clerk then called the **FY2010-15 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FOR THE LINCOLN METROPOLITAN PLANNING AREA (LINCOLN MPO)**, for public hearing.

Staff presentation: **Michael Brienzo of Planning Department** explained that the TIP is developed as part of a process for applying for federal highway funds and federal transit funds, and includes other funding sources. This report is one of the projects required by federal legislation. It becomes the reference report for the Federal Highway Administration. It includes a list of year-to-year projects and the phasing of projects. Any project intending to seek federal funding must be listed in this six-year schedule of projects. The TIP also includes projects cooperatively developed between the MPO and the Nebraska Department of Roads, County Engineer, and Lincoln Airport Authority, as well as FTA funding programs. It includes a section for pedestrian and trails projects, including projects from

Parks, NRD, and on occasion, from UNL and other agencies that are seeking special funding for pedestrian and bicycle projects.

This is a fiscally constrained document and it is considered the implementation tool for the Comprehensive Plan.

Brienzo requested that the Planning Commission find a determination of conformity of this report. From here, the Planning Commission recommendation goes on to the MPO Technical Committee and the MPO Officials Committee. It becomes part of the state TIP by reference. It becomes a federal highway and federal transit tool.

David Cary requested that the Planning Commission consider the proposed amendment relating to Coddington Avenue in the TIP as well as the CIP.

There was no other testimony.

Public Works & Utilities

Watershed Management

1. Ben Higgins, Senior Engineer for Watershed Management, stated that the CIP projects are similar to last year. They are not showing any general revenue for next year. The next set of funding will be GO bonds in November, which is in year two of the CIP.

There was no other testimony.

Street Maintenance Operations

1. Scott Opfer, Street Traffic Operations Manager, explained that there are three items identified in the first year, all being replacement of infrastructure and Gasboy systems with fleet maintenance. The replacement of two roofs that are over 20 years old on buildings that are very old will come from MIRF funds.

There was no other testimony.

Water Supply and Distribution

1. Nick McElvain, Operations Support Manager for Lincoln Water System, indicated that the project descriptions have not changed much; however, funding for the 09-10 and 10-11 CIP years has been significantly reduced. Over the last year, there has been a

significant increase in utility cost/electrical energy from both LES and OPPD. We had a very wet year last year with revenue down from that. They did not realize all of the rate increases that were anticipated in preparation of the CIP a year ago. The combination of those greatly reduces the amount of revenue bonds that can be sold, so you will see a 90% decrease in the number of projects in year one and two. At the end of budget year 2011, we will pay off some of the bonds used to build the expansion project at Ashland, so year three of the CIP jumps up significantly. That is an effort to try to catch up.

Over the course of the six year plan, about 65% of the funds are spent on growth related, and 35% on maintenance of existing infrastructure and replacement. The priorities for the funds remaining are maintaining infrastructure kinds of projects. We have some projects that will not be built so they show up again in 2011 and 2012, such as distribution mains in new growth areas.

There was no other testimony.

Wastewater

1. Gary Brandt, Division Manager for Wastewater and Solid Waste, explained that the wastewater program is to treat the wastewater generated and to protect the environment. The CIP program is reduced considerably from the previous year. Major projects are concentrated on infrastructure and replacement projects (over 200 miles of lines that are over 70-100 years old and are requiring additional maintenance).

Other programs include various projects in the Stevens Creek area. There is also a need for improvements at the treatment facilities.

Future projects in future years in new growth areas are limited by the amount of funding available. This will require additional bonding revenue funds and rate increases to support the program.

There was no other testimony.

Solid Waste Operations

1. Gary Brandt, Division Manager for Wastewater and Solid Waste, stated that the Solid Waste CIP includes recycling throughout the city and county both at Bluff Road and the N. 48th Street site. There are continued projects for expansion of the liner at Bluff Road and capping projects as the landfill progresses from north to south.

They are showing similar development and expansion at the N. 48th Street site. The first year includes the landfill gas control and utilization system for the methane generated. This

program is supported by user fees and revenue bonds. They are also working to close the North 48th Street old landfill location. The City owns land directly east of the existing Bluff Road facility to 70th Street, so the most logical location would be to utilize that land. That project has to go through environmental review, so there will have to be some investigation coming up at some time in future years.

Larson inquired as to the final use of the property at the old landfill operations along Hwy 77. Brandt stated that it is now being considered as a utilization of open space area for public use – environmental type walking areas, trails, etc. They are involved in discussions with the Parks Department.

There was no other testimony.

FY2009/10 - 2014/15

CAPITAL IMPROVEMENTS PROGRAM.

ACTION BY PLANNING COMMISSION:

May 13, 2009

Cornelius made a motion to approve the staff recommendation for a finding of full or general conformance with the Comprehensive Plan, with the amendments to the Parks & Recreation CIP and the Public Works and Utilities, Streets and Highways CIP, as recommended by staff, seconded by Taylor.

Sunderman commented that the financial resources are limited and must be used wisely. We cannot do everything at once. We have to slow down. The Mayor and City Council have a tough task of incorporating this CIP into the budget.

Larson agreed that this really presents a problem for the Mayor and the City Council. It has been a habit to just keep deferring and deferring, yet we have to live within our means. He believes we should be careful that we don't defer something that is going to further deteriorate, i.e. streets. We have deferred some of these streets so long that the cost keeps going up and up. It is a real dilemma and he does not know the answer.

Sunderman acknowledged Mr. Krueger's proposed amendments and indicated that they will be provided to the Mayor and City Council.

Motion carried 7-0: Esseks, Partington, Larson, Francis, Taylor, Cornelius and Sunderman voting 'yes'; Carroll and Gaylor Baird absent.

FY2010-2015 TRANSPORTATION IMPROVEMENT PROGRAM

ACTION BY PLANNING COMMISSION:

May 13, 2009

Francis moved to approve the staff recommendation for a finding of conformance with the Comprehensive Plan, with the amendment to Streets and Highways relating to Coddington Avenue, seconded by Esseks and carried 7-0: Esseks, Partington, Larson, Francis, Taylor, Cornelius and Sunderman voting 'yes'; Carroll and Gaylor Baird absent.

There being no further business, the meeting adjourned at 2:45 p.m.

Comprehensive Plan Amendment No. 09003 (sustainability) and Comprehensive Plan Amendment No. 09004 (Rural Area/Acreage Policy) will have continued public hearing and action on May 20, 2009.

Note: These minutes will not be formally approved until the regular meeting of the Planning Commission on June 17, 2009.

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