

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 3, 2004 AT 5:30 P.M.

The Meeting was called to order at 5:30 p.m. Present: Council Vice Chairperson Werner; Council Members: Cook, Friendt, McRoy, Newman, Svoboda; Joan Ross, City Clerk; Absent: Council Chairperson Camp.

Council Vice Chairperson asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of April 26, 2004, reported having done so, found same correct.

Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

PUBLIC HEARING

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES IN THE CITY PARK PROPERTY LOCATED AT 3403 W. VAN DORN STREET;

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES AT 4375 S. 33RD COURT;

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES IN THE CITY PARK PROPERTY LOCATED AT 3761 NORMAL BLVD - Doug Rogers, 1023 Lincoln Mall, with LLC International, came forward for approval and to answer any questions of the Council.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Danny Walker, 437 "E" Street, came forward asking the Council questions regarding the Antelope Valley Project.

This matter was taken under advisement.

Mike Morosin, 2055 "S" Street, came forward requesting grass be planted at the yard of a home in his neighborhood that was recently torn down.

This matter was taken under advisement.

**** END OF PUBLIC HEARING AT 5:40PM ****

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

RESOLUTIONS

APPOINTING DR. DEBRA A. HUMPHREY TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH TO FILL AN UNEXPIRED TERM EXPIRING APRIL 15, 2007 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82727 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dr. Debra A. Humphrey to the Lincoln-Lancaster County Board of Health for a three-year term expiring April 15, 2007 is hereby approved.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF APRIL 1 - 15, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82728 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated April 16, 2004, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Craig A. Workman	\$ 454.75	Plaza Mall South	\$1,164.70
NAI FMA Realty/B&J Part/Brewsky's	12,399.13	Luci McGowen	465.42
Daniel Nelson	608.98	Peggy Wolfe (on behalf	
Diane Miller	110.00	Of Larry Wolfe)	68.00
Craig Loeck	1,050.00	Allstate Insurance	
Pam & Jim Moore	800.00	(Claim No. 2234138424)	530.56
Terry Montgomery	29.00	Diane Hoy	110.86
Melanie Leung	95.00	Claims Management Resources	
Big Red Storage	160.00	(Alltel)	1,458.87
Amy L. Smetter (on behalf of		Wilder Intenano	735.34
daughter, Theresa L. Smetter)	NAS*	John & Jennifer Culver	2,950.00
Rafael Torres/Pratt Termite Pest Control	9,101.30	Steve M. Pottenbaum	278.87
Travelers (Pratt Pest Control, Insured)	1,273.90		
D.R. Mullet	40.00		

* No Amount Specified.

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, MAY 17, 2004 AT 1:30 PM FOR A MANAGER APPLICATION OF AARON T. FUNK FOR EMPYREAN BREWING CO. DBA EMPYREAN BREWING CO. LOCATED AT 729 Q STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82730 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 17, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Manager Application of Aaron T. Funk for Empyrean Brewing Co. dba Empyrean Brewing located at 729 Q Street.

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

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, MAY 17, 2004 AT 1:30 PM FOR A MANAGER APPLICATION OF AARON T. FUNK FOR LAZLO'S INC. DBA LAZLO'S BREWERY & GRILL - SOUTH LOCATED AT 5900 OLD CHENEY ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82731 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 17, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Manager Application of Aaron T. Funk for Lazlo's Inc. dba Lazlo's Brewing & Grill - South located at 5900 Old Cheney Road.

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

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, MAY 17, 2004 AT 1:30 PM FOR A MANAGER APPLICATION OF AARON T. FUNK FOR LAZLO INC. DBA EMPYREAN BREWING/LAZLO'S/FIREWORKS LOCATED AT 700-710 P STREET, 729 Q STREET, AND 210 NORTH 7TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82732 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 17, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Manager Application of Aaron T. Funk for Lazlo's Inc. dba Empyrean Brewing/Lazlo's/Fireworks located at 700-710 P Street/729 Q Street/ and 210 North 7th Street.

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

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, MAY 17TH, 2004 AT 1:30 PM FOR A MANAGER APPLICATION OF CAULEY SHAFFERT FOR WADSWORTH OLD CHICAGO DBA OLD CHICAGO LOCATED AT 2918 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82733 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 17, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Manager Application of Cauley Shaffert for Wadsworth Old Chicago dba Old Chicago located at 2918 Pine Lake Road.

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

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, MAY 17TH, 2004 AT 1:30 PM FOR APPLICATION OF LAMP AND MCTAGGERT, INC DBA FAT NAPPY'S FOR AN ADDITION TO THEIR LICENSED PREMISE LOCATED AT 5100 NORTH 48TH STREET (CLASS I LIQUOR LICENSE HOLDER) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82734 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 17, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Application of Lamp and McTaggart Inc. dba Fat Nappy's for an addition to their licensed premise located at 5100 North 48th Street. (Currently a Class I Liquor License Holder)

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

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

PETITIONS & COMMUNICATIONS

INFORMAL PETITION SUBMITTED BY STEEL FABRICATORS INC. LOCATED AT 2400 SOUTH FOLSOM REQUESTING THE ADDITION OF CITY SEWER AND WASTEWATER SERVICES TO BE INCORPORATED INTO THEIR SPECIAL ASSESSMENT - CLERK presented said petition which was referred to the Public Works & Utilities Department.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 26, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF APRIL 19 THRU APRIL 23, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

**REGULAR MEETING
MAY 3, 2004
PAGE 868**

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, MAY 24, 2004,
AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

- 04R-93 To provide authority to create a Paving Unit in North 57th Street from Fremont Street to Hartley Street and assess the cost thereof against the benefitted properties.
- 04-83 To provide authority to create and construct an Alley Grading District to improve a platted alley & open the north/south alley being North 58th to Touzalin Avenue, Gladstone Street to Judson Street and assess the cost thereof against the benefitted properties.
- 04-84 To provide authority to create and construct an Alley Graveling District to improve a platted alley & open the north/south alley being North 58th to Touzalin Avenue, Gladstone Street to Judson Street and assess the cost thereof against the benefitted properties.
- 04-85 To provide authority to create and construct a Water District being Oaks Hollow Lane, Stevens Ridge Estates and assess the cost thereof against the benefitted properties.
- 04-86 To provide authority to create a Paving District in North 36th Street, Vine to W Streets and assess the cost thereof against the benefitted properties.
(Required a Motion)

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPARTMENT:

- Use Permit No. 123B - Requested by Don Linscott, to amend the use permit to allow to be located more than 30' from the pat site building and reduce the front yard setback for signs on property generally located at North 33rd and Superior Street.
- Special Permit No. 1726B - requested by Brian D. Carstens and Associates on behalf of West Park LLC, for 6 additional town home units on property generally located at SW 15th Court and West A Street.
- Special Permit Amendment No. 1762B - requested by Pine Lake Dev. LLC to amend the boundary of the Vintage Heights Community Unit Plan with waiver requests to eliminate the preliminary plat process, wastewater collection system, sanitary sewer running opposite street garden transfer of sanitary sewer from one basin to another, dead end street to have 60' minimum radius turnaround, and lots exceeding a maximum depth of three times its width, on property generally located at South 98th Street and Old Cheney Road.
- Special Permit Amendment No. 1870A - requested by Gerry and Dianne Krieser, to expand the boundary of Stevens Creek Ridge Community Unit Plan to increase the permitted number of dwelling units, with requests to waive sidewalks, street trees, street lighting, landscape screening, and block length, on property generally located at North 134th Street and Holdrege Street.
- Change of Zone No. 04009 - requested by Olsson Associates from AG Agricultural District to R-3 Residential District on property generally located at South 56th Street and Yankee Hill Road.
- Change of Zone No. 04010 - requested by Ron Tonniges, from AG Agricultural District to R-1 Residential District on property generally located at South 84th Street and South Street.
- Change of Zone No. 04021, requested by Pine Lake Development LLC, from AG Agricultural District and AGR Residential Agricultural District to R-3 Residential District, on property generally located at South 98th Street and Old Cheney Road.

ORDINANCES - 1ST READING

REPEALING ORDINANCE NO. 18154 WHICH CREATED RE-PAVING DISTRICT NO. 156 IN SOUTH CODDINGTON AVE. FROM WEST O STREET SOUTH APPROXIMATELY 1200 FEET, DUE TO THE LACK OF MAJORITY PETITION - CLERK read an ordinance, introduced by Jonathan Cook, re-pealing ordinance No. 18154 which created Re-paving District No. 156, which re-paving district included all that portion of South Coddington Avenue from West "O" Street south approximately 1200 +/- feet describing the benefitted property as follows; Lots 4, 5, 6, 7, 8, and 9, Block 1; Lots 1, 2, 3, 10, 11 and 12, Block 2; Lots 1, 2, 3, 10, 11 and 12, Block 3; Lots 4, 5, 6, 7, 8 and 9, Block 4 and the vacated streets and alleys adjacent thereto all in Manchester Heights; Lots 1, 2 and 3 and Lot 112, Irregular Tract NW 28-10-06, Ford Van Lines Addition all in the Northwest Quarter of Section 28, Township 10 North, Range 6 East of the sixth Principal Meridian in the City of Lincoln, Lancaster County, Nebraska and providing for the payment of the cost thereof, the first time.

VACATING A PORTION OF 43RD STREET SOUTH OF SUMNER STREET AND AUTHORIZING THE SALE THEREOF TO CHRIST LUTHERAN CHURCH - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of 43rd Street south of Sumner Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

VACATING 120 FEET OF SOUTH 22ND STREET GENERALLY LOCATED AT THE INTERSECTION OF SOUTH 22ND STREET AND WESLEY DRIVE - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of South 22nd Street, generally located at the intersection of South 22nd Street and Wesley Drive, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

RENAMING JACOB DRIVE AS JACOBS CREEK DRIVE GENERALLY LOCATED WEST OF SOUTH 27TH STREET AND SOUTH OF PINE LAKE ROAD - CLERK read an ordinance, introduced by Jonathan Cook, changing the name of Jacob Drive to Jacobs Creek Drive located west of South 27th Street and south of Pine Lake Road, as recommended by the Street Name committee, the first time.

REPEALING CHAPTER 24.50 OF THE LINCOLN MUNICIPAL CODE, SEWER MAIN AND WATER MAIN SYSTEMS ON PRIVATE PROPERTY - CLERK read an ordinance, introduced by Jonathan Cook, repealing Sections 24.50.010, 24.50.020, 24.50.025, 24.50.030, 24.50.040, 24.50.050, 24.50.060 and 24.50.080 of the Lincoln Municipal Code, codified as Chapter 24.50, Sewer Main and Water Main Systems on Private Property, to eliminate code provisions that are no longer applicable; amending Section 17.58.095 of the Lincoln Municipal Code relating to Private Wastewater Systems to eliminate a reference to said Chapter 24.50; and repealing Section 17.58.095 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING REVISIONS TO THE LINCOLN SMOKEFREE AIR ACT - PRIOR to reading:

COOK Moved to withdraw Bill Number 04-92.

Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Werner; NAYS: Svoboda; ABSENT: Camp.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Chapter 8.48 of the Lincoln Municipal Code, Lincoln Smokefree Air Act by amending Section 8.48.020 to clarify the purpose statement; adding a new Section numbered 8.48.135 to add a definition for smoking breakrooms; adding a new section numbered 8.48.162 to require a permit in order to allow smoking; amending Section 8.48.170 to provide for where a permit may be issued and to delete affidavit requirement; amending Section 8.48.180 to clarify signage requirements; adding a new section numbered 8.48.182 to provide permit information requirements; adding a new section numbered 8.48.184 to provide inspection procedures; adding a new section numbered 8.48.186 to provide for suspension, revocation of a permit; adding a new section numbered 8.48.186 to provide for suspension, revocation of a permit; adding a new section numbered 8.48.188 to provide for a hearing amending Section 8.48.190 to clarify enforcement procedures; repealing Sections 8.48.020, 8.48.170, 8.48.180,

and 8.48.190 of the Lincoln Municipal Code as hitherto existing; and providing that this ordinance shall become effective July 1, 2004, the first time.

The ordinance, having **LOST**, was assigned the File #**38-4472** & was placed on file in the Office of the City Clerk.

CHANGE OF ZONE 04002 - APPLICATION OF STONE BRIDGE CREEK, L.L.C. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND ARBOR ROAD - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ORDINANCES - 3RD READING

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES IN THE CITY PARK PROPERTY LOCATED AT 3403 W. VAN DORN STREET - CLERK read an ordinance, introduced by Ken Svoboda, pursuant to Article VII Section 3 of the charter of the City of Lincoln, Nebraska, the Mayor is hereby authorized to enter into an agreement between the City of Lincoln, Nebraska, as Licensor, and Florida RSA #8, LLC, dba U.S. Cellular, as Licensee, for a period not to exceed five years, with the various renewal options of up to another 20 years, upon the terms and conditions as provided in the attached Agreement, which is hereby accepted and approved and the Mayor is authorized to execute the same and the associated Memorandum of License document on behalf of the City and any associated amendments, the second time.

SVOBODA Moved to pass the ordinance as read.

Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp. The ordinance, being numbered **#18348**, is recorded in Ordinance Book #25.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES AT 4375 S. 33RD COURT - CLERK read an ordinance, introduced by Ken Svoboda, pursuant to Article VII Section 3 of the Charter of the City of Lincoln, Nebraska, the Mayor is hereby authorized to enter into an agreement between the City of Lincoln, Nebraska, as Licensor, and Florida RSA #8, LLC dba U.S. Cellular, as Licensee, for a period not to exceed five years, with the various renewal options of up to another 20 years, upon the terms and conditions as provided in the attached Agreement, which is hereby accepted and approved and the Mayor is authorized to execute the same and the associated Memorandum of License document on behalf of the City and any associated amendments, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp. The ordinance, being numbered **#18349**, is recorded in Ordinance Book #25.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES IN THE CITY PARK PROPERTY LOCATED AT 3761 NORMAL BLVD - CLERK read an ordinance, introduced by Ken Svoboda, pursuant to Article VII Section 3 of the Charter of the City of Lincoln, Nebraska, the Mayor is hereby authorized to enter into an agreement between the City of Lincoln, Nebraska, as Licensor, and Florida RSA #8, LLC, dba U.S. Cellular, as Licensee, for a period not to exceed five years, with the various renewal options of up to another 20 years, upon the terms and conditions as provided in the attached Agreement, which is hereby accepted and approved and the Mayor is authorized to execute the same and the associated Memorandum of License document on behalf of the City and any associate amendments, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp. The ordinance, being numbered **#18350**, is recorded in Ordinance Book #25.

AUTHORIZING THE CONSTRUCTION OF A 12-INCH WATER MAIN (WATER DISTRICT 1192) TO SERVE SOUTH FOLSOM, FROM WEST SOUTH STREET SOUTH APPROXIMATELY 1,250 FEET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1192, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.
The ordinance, being numbered #18351, is recorded in Ordinance Book #25.

****PUBLIC HEARING RE-OPENED ON THE FOLLOWING AT 5:45PM****

**ORDINANCES - 2ND READING & RESOLUTIONS
FLOOD STANDARDS FOR NEW GROWTH AREAS**

AMENDING CHAPTER 26.07 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION DEFINITIONS BY ADDING A NEW SECTION NUMBERED 26.07.113 TO DEFINE "EXISTING URBAN AREA"; REPEALING SECTION 26.07.115 TO DELETE THE DEFINITION OF "FLOOD INSURANCE STUDY"; ADDING A NEW SECTION NUMBERED 26.07.116 TO DEFINE "FLOOD DESIGN CRITERIA"; RENUMBERING AND AMENDING SECTION 26.07.120 AS SECTION 26.07.117 TO REVISE THE DEFINITION OF "FLOODPLAIN"; ADDING A NEW SECTION NUMBERED 26.07.119 TO DEFINE "FLOODPRONE AREA"; AMENDING SECTION 26.07.126 TO REVISE THE DEFINITION OF "MINIMUM FLOOD CORRIDOR"; ADDING A NEW SECTION NUMBERED 26.07.127 TO DEFINE "NEW GROWTH AREAS"; RENUMBERING CURRENT SECTION 26.07.127 AS SECTION 26.07.130; RENUMBERING CURRENT SECTION 26.07.128 AS SECTION 26.07.135; AMENDING SECTION 26.07.240 TO REVISE THE DEFINITION OF "WASTEWATER WORKS" - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 26.07 of the Lincoln Municipal Code relating to Land Subdivision Definitions by adding a new section numbered 26.07.113 to define "existing urban area"; repealing Section 26.07.115 to delete the definition of "flood insurance study"; adding a new section numbered 26.07.116 to define "flood design criteria"; renumbering and amending Section 26.07.120 as Section 26.07.117 to revise the definition of "floodplain"; adding a new section numbered 26.07.119 to define "floodprone area"; amending Section 26.07.126 to revise the definition of "minimum flood corridor"; adding a new section numbered 26.07.127 to define "new growth areas"; renumbering current Section 26.07.127 as Section 26.07.130; renumbering current Section 26.07.128 as Section 26.07.135; amending Section 26.07.240 to revise the definition of "wastewater works"; and repealing Sections 26.07.115, 26.07.117, 26.07.126, and 26.07.240 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 26.15 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION, PRELIMINARY PLATS BY AMENDING SECTION 26.15.020 TO REQUIRE THE LOCATION OF EASEMENTS FOR MINIMUM FLOOD CORRIDORS AND OTHER ITEMS RELATED THERETO TO BE SHOWN ON THE PRELIMINARY PLAT; AMENDING SECTION 26.15.040 TO REQUIRE ADDITIONAL INFORMATION REGARDING FLOOD REGULATIONS FOR EXISTING URBAN AREA TO BE INCLUDED WITH THE PRELIMINARY PLAT; ADDING A NEW SECTION NUMBERED 26.15.050 TO REQUIRE ADDITIONAL INFORMATION REGARDING FLOOD REGULATIONS FOR NEW GROWTH AREAS TO BE INCLUDED WITH THE PRELIMINARY PLAT - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 26.15 of the Lincoln Municipal Code relating to Land Subdivision, Preliminary Plats by amending Section 26.15.020 to require the location of easements for minimum flood corridors and other items related thereto to be shown on the preliminary plat; amending Section 26.15.040 to require additional information regarding Flood Regulations for Existing Urban Area to be included with the preliminary plat; adding a new section numbered 26.15.050 to require additional information regarding Flood Regulations for New Growth Areas to be included with the preliminary plat; and repealing Sections 26.15.020 and 26.15.040 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 26.23 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION DEVELOPMENT STANDARDS BY AMENDING SECTION 26.23.120 TO REQUIRE EASEMENTS IN THE FLOODPLAIN OR FLOODPRONE AREA TO PRESERVE COMPENSATORY STORAGE, REQUIRE MINIMUM FLOOD CORRIDORS ALONG DRAINAGE WAYS WHICH HAVE A DEFINED BED AND BANK, AND TO PROVIDE WHEN ENCROACHMENTS INTO THE CORRIDOR ARE ALLOWED; AMENDING SECTION 26.23.181 TO REQUIRE SUBDIVISIONS WITHIN THE FLOODPLAIN IN EXISTING URBAN AREA TO MEET FLOOD REGULATIONS FOR EXISTING URBAN AREA; ADDING A NEW SECTION NUMBERED 26.23.185 TO REQUIRE SUBDIVISIONS IN THE FLOODPLAIN OR FLOODPRONE AREA IN NEW GROWTH AREAS TO MEET THE FLOOD REGULATIONS FOR NEW GROWTH AREAS - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 26.23 of the Lincoln Municipal Code relating to Land Subdivision Development Standards by amending Section 26.23.120 to require easements in the floodplain or floodprone area to preserve compensatory storage, require minimum flood corridors along drainage ways which have a defined bed and bank, and to provide when encroachments into the corridor are allowed; amending Section 26.23.181 to require subdivisions within the floodplain in Existing Urban Area to meet Flood Regulations for Existing Urban Area; adding a new section numbered 26.23.185 to require subdivisions in the floodplain or floodprone area in New Growth Areas to meet the Flood Regulations for New Growth Areas; and repealing Sections 26.23.120 and 26.23.181 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 26.24, FLOOD REGULATIONS FOR EXISTING URBAN AREA - CLERK read an ordinance, introduced by Terry Werner, amending Title 26 of the Lincoln Municipal Code by creating a new Chapter 26.24, Flood Regulations for Existing Urban Area, the second time.

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 26.25, FLOOD REGULATIONS FOR NEW GROWTH AREAS - CLERK read an ordinance, introduced by Terry Werner, amending Title 26 of the Lincoln Municipal Code by creating a new Chapter 26.25, Flood Regulations for New Growth Areas, the second time.

AMENDING SECTION 26.27.060 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION, MINIMUM IMPROVEMENTS TO REQUIRE THE APPLICABLE STANDARDS SET FORTH IN CHAPTERS 26.24 OR 26.25 TO BE MET IF THE LAND PREPARATION AND GRADING IS OCCURRING ON LAND LOCATED WITHIN THE FLOODPLAIN OR FLOODPRONE AREA - CLERK read an ordinance, introduced by Terry Werner, amending Section 26.27.060 of the Lincoln Municipal Code relating to Land Subdivision, Minimum Improvements to require the applicable standards set forth in Chapters 26.24 or 26.25 to be met if the land preparation and grading is occurring on land located within the floodplain or floodprone area; and repealing Section 26.27.060 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 27.03 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING CODE DEFINITIONS BY ADDING A NEW SECTION NUMBERED 27.03.218 TO DEFINE "EXISTING URBAN AREA"; ADDING A NEW SECTION NUMBERED 27.03.235 TO DEFINE "FLOOD DESIGN CRITERIA"; BY AMENDING SECTION 27.03.240 TO REVISE THE DEFINITION OF "FLOODPLAIN"; BY ADDING A NEW SECTION NUMBERED 27.03.418 TO DEFINE "MINIMUM FLOOD CORRIDOR"; BY ADDING A NEW SECTION NUMBERED 27.03.445 TO DEFINE "NEW GROWTH AREAS" - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 27.03 of the Lincoln Municipal Code relating to Zoning Code Definitions by adding a new section numbered 27.03.218 to define "existing urban area"; adding a new section numbered 27.03.235 to define "flood design criteria"; by amending Section 27.03.240 to revise the definition of "floodplain"; by adding a new section numbered 27.03.418 to define "minimum flood corridor"; by adding a new section numbered 27.03.445 to define "new growth areas"; and repealing Section 27.03.240 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 27.52, FLOOD REGULATIONS FOR EXISTING URBAN AREA - CLERK read an ordinance, introduced by Terry Werner, amending Title 27 of the Lincoln Municipal Code by adding a new Chapter 27.52, Flood Regulations for Existing Urban Area, the second time.

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 27.53, FLOOD REGULATIONS FOR NEW GROWTH AREAS AND REPEALING CHAPTER 27.55 OF THE LINCOLN MUNICIPAL CODE, FLOOD PLAIN DISTRICT, IN ITS ENTIRETY - CLERK read an ordinance, introduced by Terry Werner, amending Title 27 of the Lincoln Municipal Code by adding a new Chapter 27.53, Flood Regulations for New Growth Areas; and repealing Chapter 27.55 of the Lincoln Municipal Code, Flood Plain District, in its entirety, the second time.

AMENDING CHAPTER 27.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMMUNITY UNIT PLANS BY AMENDING SECTION 27.65.020 TO PROVIDE FOR A DWELLING UNIT BONUS IF A COMMUNITY UNIT PLAN WILL SUBSTANTIALLY PROTECT FLOODPLAIN OR FLOODPRONE AREAS; AMENDING SECTION 27.65.070 TO CHANGE A REFERENCE TO THE NEW CHAPTERS REGULATING DEVELOPMENT IN THE FLOODPLAIN OR FLOODPRONE AREAS - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 27.65 of the Lincoln Municipal Code relating to Community Unit Plans by amending Section 27.65.020 to provide for a dwelling unit bonus if a community unit plan will substantially protect floodplain or floodprone areas; amending Section 27.65.070 to change a reference to the new chapters regulating development in the floodplain or floodprone areas; and repealing Sections 27.65.020 and 27.65.070 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 27.81.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO GENERAL REGULATIONS OF THE ZONING CODE TO REQUIRE THE DRAINAGE AND GRADING PLAN TO INCLUDE PRESERVATION OF THE MINIMUM FLOOD CORRIDOR - CLERK read an ordinance, introduced by Terry Werner, amending Section 27.81.010 of the Lincoln Municipal Code relating to General Regulations of the Zoning Code to require the drainage and grading plan to include preservation of the minimum flood corridor; and repealing Section 27.81.010 of the Lincoln Municipal Code as hitherto existing, the second time.

COMPREHENSIVE PLAN AMENDMENT NO. 04017 - AMENDING THE 2025 LINCOLN CITY-LANCASTER COUNTY COMPREHENSIVE PLAN TO REPLACE AND UPDATE LANGUAGE RELATING TO FLOODPLAINS AND THE RECOMMENDATIONS OF THE MAYOR'S FLOODPLAIN TASK FORCE FOR FLOOD STANDARDS FOR NEW GROWTH AREAS.

AMENDING CHAPTER 2.05 OF THE LINCOLN DESIGN STANDARDS, STORMWATER DRAINAGE DESIGN STANDARDS, TO REVISE SECTION 1 TO ADD DEFINITIONS; TO REVISE SECTION 2, GENERAL PROVISIONS; TO REVISE SECTION 3.5, FLOOD CORRIDOR MANAGEMENT; AND TO REVISE SECTION 6, DESIGN OF CULVERTS.

AMENDING TITLE 2 OF THE CITY OF LINCOLN DESIGN STANDARDS, DESIGN STANDARDS FOR SUBDIVISION REGULATIONS, TO ADD A NEW CHAPTER 2.07 TO ADOPT FLOOD DESIGN STANDARDS FOR NEW GROWTH AREAS.

AMENDING TITLE 3 OF THE CITY OF LINCOLN DESIGN STANDARDS, DESIGN STANDARDS FOR ZONING REGULATIONS, TO ADD A NEW CHAPTER 3.06 TO ADOPT MINIMUM FLOOD CORRIDOR DESIGN STANDARDS AND TO ADD A NEW CHAPTER 3.07 TO ADOPT FLOOD DESIGN STANDARDS FOR NEW GROWTH AREAS.

AMENDING THE DRAINAGE CRITERIA MANUAL TO AMEND SECTION 1.5.6, FLOOD CORRIDOR MANAGEMENT; SECTION 1.5.7, NPDES CONSTRUCTION SITE ACTIVITIES; AND APPENDIX 1-C, GLOSSARY OF KEY TERMS; AND TO ADD A NEW CHAPTER 10, FLOOD DESIGN CRITERIA.

Glenn Johnson, General Manager of the Lower Platte South Natural Resource District, and Nicole Fleck-Tooze, Public Works & Utilities Special Projects Administrator, came forward and gave a presentation of the background and overview of standards of the proposed flood standards for new growth areas. Further discussion followed.

Marjorie Allen, 1700 J Street, Apartment 107, came forward in support.

Russell Miller, 341 South 52nd Street, came forward in opposition. Further discussion followed.

Elaine Hammer, 5000 North 7th Street, on behalf of the Lower Platte South Natural Resource District, came forward in support.

Monty Fredrickson, 1500 Highway 2, came forward in support. Further discussion followed.

Lance Meier, 7310 South 20th Street, came forward in support.
Marilyn McNabb, 1701 West Rose Street, came forward in support.
Further discussion followed.

Dan Steinbruger, 8140 Sanborn Drive, came forward in support.

Danny Walker, 427 "E" Street, came forward on behalf of his neighborhood association in support.

John Layman, 2702 Colonial Drive, came forward on behalf of the Lincoln Home Builder's Association in neutral and made comments on the matter. Further discussion followed.

Rick Krueger, 2929 Pine Lake Road, came forward in opposition.
Further discussion followed.

Amy Miller, 210 West E Street, came forward in support. Further discussion followed.

TOOK BREAK AT 7:30 P.M.

RECONVENED AT 7:45 P.M.

Rusty Banks, 5411 South 37th Street, came forward in support.
Further discussion followed.

Craig Groat, 4935 Huntington Avenue, came forward in support.

Terrence Kubicek, 1800 South 53rd Street, came forward in support.

Mike Morosin, 2055 "S" Street, came forward in support.

This matter was taken under advisement.

SVOBODA Moved to Con't Pub. Hearing for all Floodplain items for one week to 5/10/04.

Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Svoboda, Werner; NAYS: Newman; ABSENT: Camp.

NEWMAN Motion to have Floodplain Pub. Hearing open at 4pm on 5/10/04.

Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

MCROY Friendly amendment to above motion to have the Floodplain Pub. Hearing open at 3pm.

No Second.

FRIENDT Friendly amendment to above motion to have the next meeting of 5/10/04 in the evening at 5:30pm.

No Second.

**** END OF PUBLIC HEARING AT 8:03 PM ****

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to May 10, 2004.
Seconded by Friendt & carried by the following vote: AYES: Cook,
Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on
May 10, 2004.
Seconded by Friendt & carried by the following vote: AYES: Cook,
Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ADJOURNMENT 8:07 P.M.

SVOBODA Moved to adjourn the City Council meeting of May 3, 2004.
Seconded by Friendt & carried by the following vote: AYES: Cook,
Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.
So ordered.

Joan E. Ross, CMC, City Clerk

Jamie Neddenriep, Senior Office Assistant

