

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 10, 2004 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Joan Ross, City Clerk; Absent: Council Chairperson Camp.

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

READING OF THE MINUTES

FRIENDT Having been appointed to read the minutes of the City Council proceedings of May 3, 2004, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Seng presented the Mayor's Award of Excellence to Daniel Hughes of the Health Department in the category of Loss Prevention.

Steve Frederick, Division Manager for Health Data and Evaluation, came forward to express his gratitude to Dan for the excellent job he has done in the two years he has worked for the Health Department. He stated that Dan continues to work with the community and vendors to make improvements in the Health Department.

PUBLIC HEARING

APPLICATION OF FOLSOM CHILDREN'S ZOO FOR A SPECIAL DESIGNATED LICENSE TO COVER THE ENTIRE 10 ACRE PUBLIC AREA OF THE ZOO ON JUNE 26, 2004 FROM 7:00 P.M. TO 9:00 P.M. - Janelle Lust, 1248 O Street, President of the Board of Folsom Children's Zoo came forward to answer questions.

Bob Valentine, 2660 Park Ave., came forward in opposition. Discussion followed.

Bob Van Valkenburg, 7921 Reno Rd., came forward in opposition.

Ms. Lust came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF THOMAS R. MCKITTERICK FOR THE COUNTRY CLUB OF LINCOLN DBA COUNTRY CLUB AT 3200 S. 24TH STREET - Thomas R. McKitterick, 7125 Culwells Court, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF CONNOT ENTERPRISES, INC. DBA JACK POT TO EXPAND THEIR CLASS D LIQUOR LICENSE WITH AN 8 FOOT ADDITION TO THE WEST OF THE PRESENTLY LICENSED PREMISES AT 501 WEST A STREET, MAKING THE EXPANDED LICENSE TO READ AS THE ENTIRE ONE STORY BUILDING APPROXIMATELY 49 FEET BY 48 FEET - Lisa Huston, 501 West A Street, took oath and came forward to answer questions.

This matter was taken under advisement.

VACATING A PORTION OF 43RD STREET SOUTH OF SUMNER STREET AND AUTHORIZING THE SALE THEREOF TO CHRIST LUTHERAN CHURCH - Jim Gurgen, representative of Christ Lutheran Church, came forward to answer questions.

Bob Van Valkenburg, 7921 Reno Rd., came forward in opposition. Discussion followed.

Nicole Fleck-Tooze, Public Works Dept., stated the church is allowed to meet the flexibility of the function of the street until the rest of the street is vacated. Discussion followed.

Clint Thomas, Real Estate Dept., came forward to answer questions. Discussion followed.

Tom Lorenz, Chairman of the Board of Christ Lutheran Church came forward to state the houses have already been cleared and the project will be done by late summer. They do not need the entire street right now.

Glen Cekal, 1420 C St., came forward to suggest that there be visuals so the public can see that it is only two blocks being

discussed. Discussion followed.

This matter was taken under advisement.

VACATING 120 FEET OF SOUTH 22ND STREET GENERALLY LOCATED AT THE INTERSECTION OF SOUTH 22ND STREET AND WESLEY DRIVE - Tom Huston, Cline Williams Law Firm, 233 S. 13th St., representing the Housing Authority and Woodbridge Limited Partnership who collectively own the Woodbridge Development at 27th and Pine Lake Road. There is a concern with the speed on this road. Discussion followed.

RENAMING JACOB DRIVE AS JACOBS CREEK DRIVE GENERALLY LOCATED WEST OF SOUTH 27TH STREET AND SOUTH OF PINE LAKE ROAD - Mark Palmer, Olsson Associates came forward to answer questions.

This matter was taken under advisement.

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;

SPECIAL PERMIT 04004 - APPLICATION OF STONE BRIDGE CREEK L.L.C. TO DEVELOP STONE BRIDGE CREEK COMMUNITY UNIT PLAN FOR 759 DWELLING UNITS AND REQUESTED WAIVERS TO ELIMINATE THE PRELIMINARY PLAT PROCESS, TO ALLOW INCREASED LOT DEPTH-TO-WIDTH RATIO, TO ALLOW DOUBLE FRONTAGE LOTS ALONG ALVO ROAD, AND TO DELAY THE FILING OF A USE PERMIT, ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND ARBOR ROAD - Jason Thielen, EDC, 2200 Fletcher Avenue, representing Stone Bridge Creek LLC, stated that they plan to add 99 total units to the C.U.P. of Stonebridge Creek; 47 single family lots and 52 single family duplex lots.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR REIMBURSEMENT OF ELIGIBLE FEDERAL FUNDS FOR DESIGN ENGINEERING, RIGHT-OF-WAY, NON-BETTERMENT UTILITY REHABILITATION, CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR THE ANTELOPE VALLEY Y STREET BRIDGE AND ROADWAY PROJECT;

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR REIMBURSEMENT OF ELIGIBLE FEDERAL FUNDS FOR THE ANTELOPE VALLEY VINE STREET BRIDGE AND ROADWAY PROJECT;

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR REIMBURSEMENT OF ELIGIBLE FEDERAL FUNDS FOR THE ANTELOPE VALLEY MILITARY ROAD AND BRIDGE PROJECT - Mike Morosin, 2055 S St., requested a letter from the EPA reference a petroleum spill on the Y Street project and what mitigation they are going to be doing. He requested that a copy be given to each of the City Council members also.

This matter was taken under advisement.

SPECIAL PERMIT 04016 - APPLICATION OF YEUTTER FAMILY, L.L.C. AND NORTHERN LIGHTS, L.L.C. TO DEVELOP NORTHERN LIGHTS COMMERCIAL CENTER FOR APPROXIMATELY 103,400 SQ. FT. OF FLOOR AREA OF PLANNED SERVICE COMMERCIAL, AND REQUESTED WAIVERS OF THE SETBACK REQUIREMENTS AND TO TREAT THE AREA AS A COMMERCIAL CENTER RATHER THAN INDIVIDUAL LOTS, ON PROPERTY GENERALLY LOCATED WEST OF NORTH 84TH STREET AND NORTH OF HOLDREGE STREET - DaNay Kalkowski, Seacrest & Kalkowski Law Firm, 1111 Lincoln Mall, Suite 350, came forward representing the Yeutter Family LLC and Northern Lights LLC. She stated this development will be a basic commercial retail center with one restaurant. They are asking for a special permit for planned service commercial to allow for flexibility with the internal setbacks similar to what was done in the B2 area to the south and provides a mechanism for site review by the Planning Dept. on the uses.

This matter was taken under advisement.

SPECIAL PERMIT 1423-I - APPLICATION OF HIMARK GOLF, L.L.C. TO AMEND HIMARK ESTATES COMMUNITY UNIT PLAN TO REPLACE THE 272 MULTIPLE-FAMILY UNITS WITH 31 SINGLE-FAMILY UNITS, FOR A TOTAL OF 344 DWELLING UNITS, AND WAIVERS TO THE REQUIREMENT FOR A PRELIMINARY PLAT, MINIMUM LOT AREA, AND MINIMUM WIDTH FOR MAJOR STREETS, ON PROPERTY GENERALLY LOCATED AT SOUTH 90TH STREET AND OLD CHENEY ROAD - Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing Guy Lammler the applicant to request a change from a 272 unit apartment complex to 31 single family units for a total of 344 dwelling units.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mike Morosin, 2055 S St. came forward to express his concern that the Piedmont neighborhood was able to keep a group home out of their neighborhood, but they continue to place similar places in his neighborhood. He did not feel their neighborhood was getting equal treatment.

Glen Cekal, 1420 C St., came forward to request a leaf ordinance and one referencing the appearance of yards. He feels a lot of money is being spent on paving in the new areas of Lincoln versus a pittance being spent in the older areas. He appreciated the work being done on sidewalks.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF FOLSOM CHILDREN'S ZOO FOR A SPECIAL DESIGNATED LICENSE TO COVER THE ENTIRE 10 ACRE PUBLIC AREA OF THE ZOO ON JUNE 26, 2004 FROM 7:00 P.M. TO 9:00 P.M. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82735 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Folsom Children's Zoo for a Special Designated License to cover the entire 10 acre public area of the zoo at 1222 S. 27th Street, Lincoln, Nebraska, on the 26th day of June, 2004, between the hours of 6:30 p.m. and 9:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

MANAGER APPLICATION OF THOMAS R. MCKITTERICK FOR THE COUNTRY CLUB OF LINCOLN DBA COUNTRY CLUB AT 3200 S. 24TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82736 WHEREAS, Country Club of Lincoln located at 3200 S. 24th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Thomas R. McKitterick be named manager; WHEREAS, Thomas R. McKitterick appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Thomas R. McKitterick be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

APPLICATION OF CONNOT ENTERPRISES, INC. DBA JACK POT TO EXPAND THEIR CLASS D LIQUOR LICENSE WITH AN 8 FOOT ADDITION TO THE WEST OF THE PRESENTLY LICENSED PREMISES AT 501 WEST A STREET, MAKING THE EXPANDED LICENSE TO READ AS THE ENTIRE ONE STORY BUILDING APPROXIMATELY 49 FEET BY 48 FEET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82737 BE IT RESOLVED by the City Council of the City of Lincoln,

Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Connot Enterprises, Inc. dba Jack Pot to expand its licensed premises by the addition of an eight foot addition to the west of the presently licensed premises located at 501 West A Street, Lincoln, Nebraska, making the expanded license to read as the entire one story building approximately 49 feet by 48 feet, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

ORDINANCES - 2ND 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 second 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 second 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 second 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 second 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 second time.

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 second time.

RESOLUTIONS

APPOINTING JOHN WILLIAMS TO THE COMMUNITY FORESTRY ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING AUGUST 17, 2005 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82738 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of John Williams to the Community Forestry Advisory Board for a three-year term expiring August 17, 2005 is hereby approved.

Introduced by Glenn Friendt

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

APPROVING A 1 YEAR/200 HOUR LEASE WITH OPTION TO RENEW FOR THREE ONE-YEAR PERIODS BETWEEN THE CITY AND PLATTE VALLEY EQUIPMENT COMPANY TO PROVIDE A MECHANICAL FRONT WHEEL ASSISTED TRACTOR TO APPLY BIOSOLIDS GENERATED AT THE NORTHEAST WASTEWATER TREATMENT FACILITY - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82739 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Rental Agreement between the City and Platte Valley Equipment Company which is attached hereto, marked as Attachment "A" and made a part hereof by reference, for the lease of a John Deere 8320 Tractor mechanical front wheel assisted tractor for a one year/200 hour period with the option to renew for additional one-year periods not to exceed three years, is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute said license agreement on behalf of the City.

Introduced by Glenn Friendt

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR REIMBURSEMENT OF ELIGIBLE FEDERAL FUNDS FOR DESIGN ENGINEERING, RIGHT-OF-WAY, NON-BETTERMENT UTILITY REHABILITATION, CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR THE ANTELOPE VALLEY Y STREET BRIDGE AND ROADWAY PROJECT - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82740 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Supplemental Agreement #1 between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPC-5242(3), Control 11215D, City Project No. 780101, for the Antelope Valley Y Street Bridge and Roadway Project, is hereby approved in accordance with the terms and conditions contained in said Agreement, and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

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

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR REIMBURSEMENT OF ELIGIBLE FEDERAL FUNDS FOR THE ANTELOPE VALLEY VINE STREET BRIDGE AND ROADWAY PROJECT - CLERK read the following resolution, introduced by Glenn Friendt, who moved its

adoption:

A-82741 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Supplemental Agreement #1 between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPC-5240(3), Control 11215C, City Project No. 780102, for the Antelope Valley Vine Street Bridge and Roadway Project, is hereby approved in accordance with the terms and conditions contained in said Agreement, and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

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

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR REIMBURSEMENT OF ELIGIBLE FEDERAL FUNDS FOR THE ANTELOPE VALLEY MILITARY ROAD AND BRIDGE PROJECT - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82742 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Supplemental Agreement #1 between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPC-5242(4), Control 11215F, City Project No. 780103, for the Antelope Valley Military Road and Bridge Project, is hereby approved in accordance with the terms and conditions contained in said Agreement, and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

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

SPECIAL PERMIT 04016 - APPLICATION OF YEUTTER FAMILY, L.L.C. AND NORTHERN LIGHTS, L.L.C. TO DEVELOP NORTHERN LIGHTS COMMERCIAL CENTER FOR APPROXIMATELY 103,400 SQ. FT. OF FLOOR AREA OF PLANNED SERVICE COMMERCIAL, AND REQUESTED WAIVERS OF THE SETBACK REQUIREMENTS AND TO TREAT THE AREA AS A COMMERCIAL CENTER RATHER THAN INDIVIDUAL LOTS, ON PROPERTY GENERALLY LOCATED WEST OF NORTH 84TH STREET AND NORTH OF HOLDREGE STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82743 WHEREAS, Yeutter Family, L.L.C. and Northern Lights, L.L.C. have submitted an application designated as Special Permit No. 04016 for authority to develop Northern Lights Commercial Center consisting of 103,400 sq. ft. of floor area of planned service commercial, with a request to waive setback requirements on property located west of North 84th Street and north of Holdrege Street, and legally described to wit:

Lots 1-12, Block 1, Northern Lights 3rd Addition, located in the Southeast Quarter of Section 15, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial center will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Yeutter Family, L.L.C. and Northern Lights, L.L.C., hereinafter referred to as "Permittee", to develop Northern Lights Commercial Center, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation of said commercial center be in strict compliance with said application, the site plan, and the following additional express

terms, conditions, and requirements:

1. This permit approves 103,400 sq. ft. of commercial floor area.
2. The required 50' front yard setback along Northern Lights Drive is waived to allow a 20' setback and the required front yard setbacks from the interior private roadways are waived to allow a 0' setback.
3. Before receiving building permits:
 - a. The Permittee must submit an acceptable, revised final plan, and seven copies.
 - b. The construction plans must conform to the approved plans.
4. Before occupying the commercial area, all development and construction must be completed in conformance with the approved plans.
5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn Friendt

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

SPECIAL PERMIT 04004 - APPLICATION OF STONE BRIDGE CREEK L.L.C. TO DEVELOP STONE BRIDGE CREEK COMMUNITY UNIT PLAN FOR 759 DWELLING UNITS AND REQUESTED WAIVERS TO ELIMINATE THE PRELIMINARY PLAT PROCESS, TO ALLOW INCREASED LOT DEPTH-TO-WIDTH RATIO, TO ALLOW DOUBLE FRONTAGE LOTS ALONG ALVO ROAD, AND TO DELAY THE FILING OF A USE PERMIT, ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND ARBOR ROAD - PRIOR to reading:

MCROY Moved to delay action on Bill No. 04R-100 for one week to 05/17/04.

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

SPECIAL PERMIT 1423-I - APPLICATION OF HIMARK GOLF, L.L.C. TO AMEND HIMARK ESTATES COMMUNITY UNIT PLAN TO REPLACE THE 272 MULTIPLE-FAMILY UNITS WITH 31 SINGLE-FAMILY UNITS, FOR A TOTAL OF 344 DWELLING UNITS, AND WAIVERS TO THE REQUIREMENT FOR A PRELIMINARY PLAT, MINIMUM LOT AREA, AND MINIMUM WIDTH FOR MAJOR STREETS, ON PROPERTY GENERALLY LOCATED AT SOUTH 90TH STREET AND OLD CHENEY ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82744 WHEREAS, HiMark Golf L.L.C. has submitted an application designated as Special Permit No. 1423-I for authority to amend HiMark Estates Community Unit Plan to replace 272 multiple-family units with 31 single-family units for a reduced total of 344 dwelling units, including requested waivers to the required preliminary plat process, minimum lot area, and minimum width for major streets, on property generally located at South 90th Street and Old Cheney Road, and legally described to wit:

All of the Lots, Blocks, and Outlots in the following subdivisions: HiMark Estates Addition, HiMark Estates 1st Addition, HiMark Estates 2nd Addition, HiMark Estates 3rd Addition, HiMark Estates 4th Addition, HiMark Estates 5th Addition Corrected, HiMark Estates 6th Addition, HiMark Estates 7th Addition, and Iron Gates Estates, all located in Section 11, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the community unit plan will not be

adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of HiMark Golf, L.L.C., hereinafter referred to as "Permittee", to amend HiMark Estates Community Unit Plan to replace 272 multiple-family units with 31 single-family units for a reduced total of 344 dwelling units, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:
 - a. A total of 344 dwelling units.
 - b. A waiver of minimum lot area for Outlot S.
 - c. A waiver of the requirement that a preliminary plat be submitted for the area of this application.
2. The approved community unit plan shall serve the purpose of a preliminary plat for the area of this amendment. Final plats in this area may be approved based upon the approved community unit plan.
3. The waiver of the filing of a preliminary plat and the approval of this community unit plan in lieu of a preliminary plat shall only be effective for a period of ten (10) years from the date of approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the date of approval, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.
4. Before receiving building permits:
 - a. The Permittee must submit one original and five copies of the plans as approved.
 - b. Final Plats within the area of this community unit plan must be approved by the City.
 - c. The construction plans must conform to the approved plans.
5. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
9. The site plan approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Glenn Friendt

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

PETITIONS & COMMUNICATIONS

INFORMAL PETITION TO CREATE A PAVING DISTRICT AT WEST BENTON 1ST STREET TO MORGAN STREET, SUBMITTED BY KIM & GARY DEUBELBEISS - CLERK presented

said petition which was referred to the Public Works Dept. on 5/3/04.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR THE WEEK OF APRIL 19 THRU APRIL 23, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82745 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Glenn Friendt

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED MARCH 31, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82746 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended March 31, 2004, \$217,317.14 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Glenn Friendt

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR APRIL, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM AQUILA FOR THE MONTH OF MARCH, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM TIME WARNER CABLE FOR THE QUARTER ENDING , MARCH 31, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF FEBRUARY, 2004: ONE CALL COMMUNICATION; JAN. - MARCH, 2004: PNG, WHO'S CALLING, OPEX, IDT, NETIFICE, COMTECH 21, GE BUSINESS PROD. SOLUTIONS, AMERICAN FARM BUREAU, VOICE STREAM, ACCESSLINE, WINSTAR, FAST PHONES OF NEBRASKA, ALIANT; MARCH, 2004; AT&T, CRICKET, MCLEODUSA, NORSTAN NETWORK, TRANSNATIONAL, BELL ATLANTIC, TRACFONE WIRELESS, VIRGIN MOBILE USA, VERIZONE SELECT, WORKING ASSETS, PRIMUS, QWEST, ONSTAR, ACN, BUYERS UNITED, GLOBAL CROSSING, CIII, QUANTUM SHIFT, STAR NUMBER, SHAFFER, T-NETIX, UNITE SYSTEMS ACCESS, VOICECOM, INTELICALL OPERATOR SERVICES, XO LONG DISTANCE, LINCINNATI BELL, ENHANCED, ALLTEL NEBRASKA, ALLTEL COMMUNICATIONS OF NEBRASKA, ALLTEL SYSTEMS OF THE MIDWEST, SPRINT, MCI, 360NETWORKS USA, GURANTEED PHONE, GLOBALCOM, EXCEL, TELCO DEVELOPMENT GROUP DE, IBM GLOBAL SERVICES-NS DIV. - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

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

COOK Moved to delay 2nd Reading and Public Hearing on Bill No. 04-92 to May 24, 2004.

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

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.

ANNEXATION 02012 WILDERNESS HILLS - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 91.98 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/04-96, 04R-107, 04R-108, 04R-109) - CLERK read an ordinance, introduced by Glenn Friendt, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 3423 - APPLICATION OF GERALD MADDOX FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, R-5 RESIDENTIAL DISTRICT, O-3 OFFICE PARK DISTRICT, AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/04-95, 04R-107, 04R-108, 04R-109) - CLERK read an ordinance, introduced by Glenn Friendt, 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.

CHANGE OF ZONE 04025 - AMENDING SECTION 27.71.120 OF THE LINCOLN MUNICIPAL CODE TO ALLOW TEMPORARY CONCRETE PAVING PLANTS - CLERK read an ordinance, introduced by Glenn Friendt, amending Section 27.71.120 of the Lincoln Municipal Code to approve temporary concrete paving plants; and repealing Section 27.71.120 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 04026 - APPLICATION OF THE COUNTRY CLUB AND IRVINGDALE NEIGHBORHOOD ASSOCIATIONS FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN 17TH AND 30TH STREETS FROM SOUTH STREET TO WOODCREST STREET - CLERK read an ordinance, introduced by Glenn Friendt, 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.

AMENDING SECTION 9.20.080 OF THE LINCOLN MUNICIPAL CODE REGARDING PANHANDLING BY PROVIDING A MORE SPECIFIC DEFINITION OF THE OFFENSE INCLUDING BUT NOT LIMITED TO THE TIME, PLACE AND MANNER OF THE ACTS PROHIBITED BY SAID ORDINANCE - CLERK read an ordinance, introduced by Glenn Friendt, amending Section 9.20.080 of the Lincoln Municipal Code relating to the panhandling to provide a more specific definition of the offense including but not limited to the time, place and manner of the acts prohibited by said ordinance; and repealing Section 9.20.080 of the Lincoln Municipal code as hitherto existing, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE LINCOLN MEDICAL EDUCATION PARTNERSHIP FOR THE WIC PROGRAM FOR A THREE-YEAR PERIOD AT 4600 VALLEY ROAD - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and Lincoln Medical Education Partnership for the lease of 200 sq. ft. of space at 4600 Valley Road, Lincoln, Lancaster County, Nebraska, on behalf of the Lincoln-Lancaster County Health Department for its WIC Program for a term of three years, the first time.

ORDINANCES - 3RD READING

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH BETWEEN CAPITAL IMPROVEMENT PROJECTS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT, URBAN DEVELOPMENT DEPARTMENT, AND PARKS & RECREATION DEPARTMENT AND DESIGNATING THE FUNDING SOURCE FOR STREET PROJECTS TO BE FUNDED FROM THE RECENT ISSUANCE OF HIGHWAY ALLOCATION BONDS IN FY 04/05 AND TRANSFERRING DOLLARS MADE AVAILABLE TO THOSE PROJECTS TO OTHER STREET PROJECTS WITHIN THE DEPARTMENT OF PUBLIC WORKS & UTILITIES. (4/26/04 - ORDINANCE SPLIT INTO 04-66A & 04-66B; 04-66B TO HAVE CON'T. PUBLIC HEARING AND ACTION 5/10/04)- PRIOR to reading:

COOK Moved to amend Bill No. 04-66B on page 5, after line 13, insert the following:

From:

409399.6138 Mahoney Park Playground Renovation \$30,000.00 Keno

To:

409401.6132 Recreation Center Floor Replacement \$30,000.00 Keno

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

CLERK Read an ordinance, introduced by Glenn Friendt, approving the transfer of unspent and unencumbered appropriations and cash (if any) between capital improvement projects and designation of funding sources for street projects due to the recent issuance of Highway Allocation Bonds within the Public Works and Utilities Department, Urban Development Department and Parks and Recreation Department, the third time.

The ordinance, being numbered #18347B, is recorded in Ordinance Book , Page

RECESSED 3:06 P.M.

RECONVENED 4:02 P.M.

****PUBLIC HEARING RE-OPENED ON THE FOLLOWING AT 4:00 P.M.****

ORDINANCES - 3ND READING & RESOLUTIONS
FLOOD STANDARDS FOR NEW GROWTH AREAS

Joe Hampton, 1660 S. 70th St., came forward representing LIBA. He was cautionary about standards being more stringent than the State and Federal standards. Discussion followed.

Wilbur Dasenbrock, 1449 Meadow Dale Dr., came forward in support.

Lynn Darling, 2601 S.W. 23rd St., came forward in support.

Buffalo Bruce, 2440 Jameson Court, Friends of Wilderness Par member, came forward in support.

Peter Katt, Pierson Fitchett Law Firm, 1045 Lincoln Mall, Suite 200, came forward representing his office who is involved in the land development industry in Lincoln. He was in opposition. Discussion followed.

Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing the Home Builders Association was in support of the Seacrest Amendments and suggested the proposals be referred back to Public Works for cost/benefit analysis. Discussion followed.

Steve Larick, 920 S. 8th Street, came forward in support.

Tom McCormick, 1406 14th Street, came forward in support. Discussion followed.

Virginia Wright, 814 Lyncrest, came forward representing the Eastridge Neighborhood Association in support.

Bruce Bohrer, 1135 M Street, Ste 300, came forward representing the Chamber of Commerce in favor of the proposals with the amendments presented by Kent Seacrest. He was a member of the Task Force. Discussion followed.

Kent Seacrest, Seacrest & Kalkowski Law Firm, 1111 Lincoln Mall, Suite 350, came forward representing NEBCO Inc., Ridge Development, and Southridge Inc. He supports 90% of the Task Force proposals, but requested amendments to parts of the proposal. Discussion followed.

Dan King, 2350 S. 34th St., came forward representing the Greater South Neighborhood Association in support.

Ed Patterson, 2108 Q Street, came forward in support.

Mike Carlin, 2700 W Paddock Rd., came forward in opposition.

RECESS 6:30 P.M.

RECONVENED 6:45 P.M.

John Carlini, 712 S. 11th St. #2, came forward in support.
Foster Collins, 2100 Calvert St., came forward in support.
Mary Roseberry-Brown, 1423 F. Street, President of Friends of
Wilderness Park came forward in support.

Tim Knott, 4310 Waterbury Lane, a member of the Wachiska Audubon
Society, came forward against the proposed amendments, but for the Task
Force proposals.

Margaret Bloom, 3401 Dudley St., deferred to Terry Kubicek. Mr.
Kubicek had spoken on this subject at the public hearing on May 3, 2004
so was denied by the City Council to speak again.

Todd Pattick, 1508 Irving St., came forward in support.
Discussion followed.

Allan Abbott, Director of Public Works and Utilities, came forward
in favor of Mr. Seacrest's amendments and requested that the proposal
not be sent back for restudy and to vote on it today as his staff does
not have the time to spend on this further.

Glen Johnson, General Manager of Nebraska Resource District, came
forward for rebuttal.

Nicole Fleck-Tooze, Public Works & Utilities, came forward for
rebuttal. Discussion followed.

Rick Peo, Assistant City Attorney, came forward to answer
questions.

This matter was taken under advisement.

**ORDINANCES - 3RD 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" - PRIOR TO READING:

WERNER Moved to amend Bill No. 04-72 on page 3, delete lines 14, 15 and
16 in their entirety.

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

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 third time.

COOK Moved to pass the ordinance as amended.

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

The ordinance, being numbered #18352, is recorded in Ordinance Book ,
Page

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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18353**, is recorded in Ordinance Book , Page

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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18354**, is recorded in Ordinance Book , Page

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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18355**, is recorded in Ordinance Book , Page

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 26.25, FLOOD REGULATIONS FOR NEW GROWTH AREAS - PRIOR to reading:

WERNER Moved to amend Bill No. 04-76 on page 3, delete lines 21, 22 and 23 in their entirety.

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

REGULAR MEETING

MAY 10, 2004

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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 third time.

WERNER Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18356** is recorded in Ordinance Book , Page

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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18357**, is recorded in Ordinance Book , Page

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" - PRIOR to reading:

WERNER Moved to amend Bill No. 04-78 on page 2, delete lines 15, 16 and 17 in their entirety.

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

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 third time.

WERNER Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18358**, is recorded in Ordinance Book , Page

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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18359**, is recorded in Ordinance Book , Page

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 - PRIOR to reading:

WERNER Moved to amend Bill No. 04-80 on page 5, delete lines 15, 16, and 17 in their entirety.

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

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 third time.

WERNER Moved to pass the ordinance as amended.
Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Werner; NAYS: Camp, Svoboda.
The ordinance, being numbered #18360, is recorded in Ordinance Book ,
Page

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 third time.

WERNER Moved pass the ordinance as read.
Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: Camp.
The ordinance, being numbered #18361, is recorded in Ordinance Book ,
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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 third time.

WERNER Moved to pass the ordinance as read.
Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Werner; NAYS: Cook, Svoboda.
The ordinance, being numbered #18362, is recorded in Ordinance Book ,
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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 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82747 WHEREAS, the Planning Director has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to reflect the recommendations of the Floodplain Task Force;

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Revise pages F-34 and F-35 Future Conditions - Community Form, Plan Assumptions Section, as follows:

SUMMARY OF COMPREHENSIVE PLAN ASSUMPTIONS

These assumptions represent the agreement of the Comprehensive Plan Committee which assisted in the development of the Comprehensive Plan. The following assumptions guide the planning process for Lincoln and Lancaster County:

1. A City and County population growth rate of 1.5 percent per year was used for the 25 and 50 year planning periods. This adds approximately 113,000 persons to the County over the next twenty five years and approximately 277,000 over the next fifty years. The assumed County population distribution would remain 90 percent in the City of Lincoln, 3 percent in other incorporated towns and villages, 6 percent on rural acreages, and 1 percent on farms. This would add approximately 42,560 dwelling units in the Lincoln urban area to support the additional population of 103,000 persons.
2. Areas for future urban expansion were designated consistent with the growth projections, stated planning policies, and infrastructure objectives. Tier I provides 30 total square miles of which 23 square miles (14,720 acres) are "developable area" within the 25 year planning period. The net developable area includes land generally outside the 100 year floodplain and not presently developed with uses such as parks, golf courses, schools or commercial.
3. Projected levels of commercial and industrial expansion were accommodated throughout the planning area. An annual employment growth rate of 2 percent for projecting commercial space needs was assumed which equals 21.5 million square feet of new retail, office and service uses over the 25 year planning period (65 percent increase). An annual employment growth rate of 2.5 percent for projecting industrial area needs was assumed which equals 2,392 acres of new industrial land within the 25 year planning period (86 percent increase).
4. The ~~working~~ assumptions listed below were used in the modeling and analysis process for the development of this Comprehensive Plan, ~~but do not take the place of the final.~~ The assumptions reflect the intent and recommendation of the Comprehensive Plan Committee and are consistent with the policy or policies that are to emerge from the work recommendations of the Floodplain Task Force. The assumptions are subject to change, refinement, and reconsideration. The assumptions fall into three categories:
 - A. Where development exists in the floodplain, it was assumed that the uses would continue, that existing structures could be enlarged, and that existing individual businesses could expand within floodplain areas per adopted regulations and standards.
 - B. Where the 1994 Future Land Use Plan designated parks, open space, or agricultural land uses within the floodplain and floodway, it was assumed that such land uses would continue in the future and that any urban-style development would occur outside of the floodplain and floodway.
 - C. It was assumed that some new industrial and commercial development (between 10 and 20 percent of the total assumed growth in new industrial or commercial uses) could occur within areas already zoned or planned for industrial or commercial development in the delineated floodplain.~~Nonetheless these assumptions reflect the intent and recommendation of the Comprehensive Plan Committee.~~
5. For transportation modeling purposes, an urban residential density factor of 3 dwelling units per acre was assumed for a majority of the designated future growth areas.
2. Revise Page F-63 of Future Conditions-Environmental Resources, Floodplains Section, as follows:

Floodplains

In April of 2003, tThe Mayor's Floodplain Task Force is currently developing policy standards for floodplains that took into consideration the natural functions played by these areas. Once the Task Force concludes its work, their These policy recommendations should be considered for have been incorporated into the watershed management strategies included in the Utilities section of the Comprehensive Plan.

Seek the routine use of "Best Management Practices" in implementing stormwater management policy so that the potential for sedimentation problems are minimized.

Further discussion of floodplain and stormwater management considerations and strategies is provided within the Utilities section.

3. Revise Pages F78 - F80 of Future Conditions - Utilities, Floodplain Management Section, as follows:

FLOODPLAIN MANAGEMENT

~~The Mayor's Floodplain Task Force is charged with recommending revisions to the existing floodplain standards. These revisions should address the natural functions of floodplains and reduction of future flooding hazards in Lincoln and Lancaster County, while being sensitive to business, environmental and neighborhood interests. Such changes should also recognize the need to sustain long-term economic development opportunities. The Task Force is expected to complete their work by the summer of 2002.~~

In April of 2003, the Mayor's Floodplain Task Force concluded 20 months of work that resulted in floodplain recommendations for the City and County. The Task Force made a clear distinction between recommendations for the "Existing Urban Area" versus "New Growth Areas." "Existing Urban Area was defined as those areas inside the City limits at the time a new standard is adopted as well as those areas outside the City limits which have a zoning designation other than AG - Agricultural or AGR - Agricultural Residential at the time a new standard is developed. "New Growth Areas" were defined as those areas outside the City limits and zoned AG -Agricultural or AGR - Agricultural Residential at the time a new standard is adopted.

There was general consensus on the Task Force that there would be additional challenges and a greater burden to meet higher floodplain standards within the existing urban area, where pre-existing zoning, lot size, existing homes and businesses, and the built environment in general would be expected to have greater constraints than newly developing areas.

An important consideration for New Growth Areas was the current designation in the Comprehensive Plan of the majority of floodplain areas as Green Space, Environmental Resources, or Agricultural Stream Corridors to identify that future urban development will be outside of the floodplain and to designate land uses compatible with the functions of the floodplain. This supports the ~~There is an~~ opportunity to reduce the risk of flood damages to life and property and to preserve the important functions of floodplains by designating areas for future urban development outside of floodplain and floodway areas. ~~This would preserve the important natural and beneficial functions of floodplains, including flood storage and conveyance properties.~~ Designating areas for development outside of floodplains and floodways would have the additional benefit of reducing the extension of public infrastructure to develop flood prone areas where future flood damages may occur.

Fifteen policy area recommendations were ultimately proposed by the Mayor's Floodplain Task Force for New Growth Areas, and they are embodied in the strategies herein. The overriding policy recommendation for the floodplain is a "No Adverse Impact" policy for the City and County, which means that the community has a goal of insuring that the action of one property owner does not adversely impact the flooding risk for other properties. The majority of other policy area recommendations relate back to and support this umbrella concept. An important next step will be to bring forward floodplain policies and standards that address the Existing Urban Area.

~~Special consideration should also be given to the Salt Creek floodplain from Van Dorn Street to Superior Street where the FEMA Flood Insurance Study recommends preserving flood storage so as not to increase flood heights greater than one foot.~~

GUIDING PRINCIPLES

Watershed planning will continue in order to be proactive and integrate stewardship principles for land conservation, stream and wetland buffers, better site design, Best Management Practices (BMP), and erosion and sediment control. The natural drainage system can serve multiple benefits, including wildlife habitat and recreation.

The community should encourage site designs that are compatible with the natural characteristics of the site, clustering development, minimizing grading and impervious cover, and preserving site hydrology to the

maximum extent possible. Naturalized or bioengineered solutions to drainage issues should be used wherever possible.

In new growth areas, the City of Lincoln and Lancaster County have a policy of No Adverse Impact, with a goal of ensuring that the action of one property owner does not adversely impact the flooding risk for other properties. ~~Subject to~~ In concert with the findings of the Mayor's Floodplain Task Force and the assumptions used in crafting this Plan, future urban development will be outside of the floodplain and floodway. This helps new development avoid potential flood risks and preserves the important functions of the floodplain. Keeping development outside of the floodplain preserves flood storage and other natural and beneficial functions of floodplains. It also avoids the long-term, cumulative impact of development in the floodplain.

STRATEGIES

Create a stormwater utility, as a division of the Public Works and Utilities Department, to provide for a steady revenue source as well as an organizational structure to address the growing needs of the stormwater and watershed management system.

Use public projects as an opportunity to set positive examples for the community relative to stormwater and floodplain management.

Develop project approaches which view stormwater as an asset, by working with the natural topography and using wetlands, floodplains, and natural drainage corridors as natural ways to manage flood flows and stormwater run-off.

Designate areas for future urban development outside of floodplain and floodway areas to avoid introducing new development to flood risks and to preserve the important functions of the floodplain.

Opportunities should be sought for the reclamation of floodplain functions through the acquisition and relocation of structures and the re-establishment of natural or open space areas.

Give special consideration to the Salt Creek floodplain from Van Dorn Street to Superior Street where the FEMA Flood Insurance Study recommends preserving flood storage so as not to increase flood heights greater than one foot.

Utilize naturalized or bioengineered solutions to drainage issues wherever possible.

Develop a Watershed Management Master Plan for Lincoln and future growth areas. Integrate existing neighborhoods and growth areas into watershed planning.

Utilize basin master plan recommendations and components as analysis tools to be referenced and compared with proposed development within the basin, and as a guide in the preparation of future capital improvement projects.

Seek broad public participation in the location and design of specific watershed management projects. The relative benefits of the projects to be evaluated should include impacts on the flood hazards, water quality, channel integrity, natural character, bridges, culverts, and existing public and private structures.

Future master planning efforts for largely undeveloped basins will rely more heavily on pro-active better management practice (BMP) measures and the conservation of existing natural drainage features to most effectively manage stormwater and floodplains. Designs of human made features should seek to utilize bioengineering and other naturalized techniques, incorporating trail systems and other linear park features where possible.

Implement a policy of No Adverse Impact in New Growth Areas through the adoption of higher standards, the encouragement of best management and building practices, the use of best available study information, and other recommendations of the Mayor's Floodplain Task Force that support this policy.

Improve the accuracy of floodplain mapping and make it a priority to which specific resources are dedicated. Continue to develop a comprehensive, watershed approach to floodplain mapping. Preserve and enhance vegetative buffers along stream corridors to slow the flow of stormwater, filter pollutants, protect the biological health of the stream, and conserve other natural functions of the floodplain.

Retain City or County property in the floodplain in public ownership, and consider the purchase of easements or land when other publicly-owned property in the floodplain is proposed for surplus. Retain conservation easements to protect floodplain functions where unusual circumstances merit the consideration of surplus floodplain property.

Develop and implement a floodplain buyout program for the City and County, which is sensitive to the need to minimize impacts on neighborhoods and historic districts and places a special emphasis on sites that provide multiple benefits.

Reinforce accountability and disclosure laws regarding real estate transactions, enhance education efforts to notify prospective buyers, and improve methods for assessing and taxing floodplain properties, especially land held in conservation easements.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

Introduced by Terry Werner

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

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 - PRIOR to reading:

WERNER Moved to amend Bill No. 04R-88 by amending Attachment A by amending the definition of Minimum Flood corridor in Section 1 of Chapter 2.05, Stormwater Drainage Design Standards, to strike the words "For streams with a defined bed and bank which drain less than 150 acres, minimum flood corridor shall mean a narrower corridor proportionate to the drainage area as identified in the City of Lincoln Design Standards."

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

A-82748 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and

WHEREAS, a text change to the Design Standards is necessary under Chapter 2.05 - 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.

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

That Chapter 2.05 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended to read as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

Introduced by Terry Werner

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

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 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82749 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and

WHEREAS, a text change to the Design Standards is necessary under

Title 2, Design Standards for Subdivision Regulations, to add a new Chapter 2.07 to adopt Flood Design Standards for New Growth Areas.

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

That Title 2 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended as follows:

1. Chapter 2.07 "Flood Design Standards for New Growth Areas" is added to read as follows:

Chapter 2.07

FLOOD DESIGN STANDARDS FOR NEW GROWTH AREAS

The Department of Public Works and Utilities is assigned responsibility for administration of these design standards

For Flood Design Standards for New Growth Areas applicable to Subdivision Regulations, refer to the Drainage Criteria Manual, Chapter Ten - Flood Design Criteria for New Growth Areas

Introduced by Terry Werner

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

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 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82750 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and

WHEREAS, a text change to the Design Standards is necessary under Title 3, 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.

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

That Title 3 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended as follows:

1. Chapter 3.06 "Minimum Flood Corridor Design Standards" is added to read as follows:

Chapter 3.06

MINIMUM FLOOD CORRIDOR DESIGN STANDARDS

The Department of Public Works and Utilities is assigned responsibility for administration of these design standards

For Minimum Flood Corridor Design Standards applicable to Zoning Regulations, refer to Chapter 2.05, Stormwater Drainage Design Standards for Subdivision Regulations, Section 3.5, "Flood Corridor Management."

2. Chapter 3.07 "Flood Design Standards for New Growth Areas" is added to read as follows:

Chapter 3.07

FLOOD DESIGN STANDARDS FOR NEW GROWTH AREAS

The Department of Public Works and Utilities is assigned responsibility for administration of these design standards

For Flood Design Standards for New Growth Areas applicable to Zoning Regulations, refer to the Drainage Criteria Manual, Chapter Ten - Flood Design Criteria for New Growth Areas

Introduced by Terry Werner

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

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 - PRIOR to reading:

COOK Moved to amend Bill No. 04R-91 in Attachment B, Chapter 10, Flood Design Criteria for New Growth Areas, Section 10.4.2 amend the paragraph after subparagraph 3 to read as follows: "The City's review and approval of the alternative selected will be based upon whether best efforts were made to find a practicable alternative with the least impacts. The City may consider whether another practicable alternative with less adverse impact on the floodplain and floodprone area is feasible. For County stream crossings, the ~~City and~~ County will ~~jointly~~ determine the most

appropriate alternative after conferring with the City. If the proposed stream crossing structure does not meet the .05 foot rise standard, mitigation for increased flood heights will be required in conformance with Section 10.4.3."

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

WERNER Moved to amend Bill No. 04R-91 in the following manner: 1. on page 2, line 20, delete the word "For". 2. On page 1, delete line 21. 3. On page 2, delete lines 1 through 5 in their entirety. 4. Amend Attachment "A" Appendix 1-C, Glossary of Key Terms, to amend the definition of "Minimum Flood Corridor" by striking the words "For streams with a defined bed and bank which drain less than 150 acres, minimum flood corridor shall mean a narrower corridor proportionate to the drainage area as identified in the City of Lincoln Design Standards." 5. Amend Attachment B, Chapter 10, Flood Design Criteria for New Growth Areas, by amending the definition of "Minimum Flood Corridor" in Section 10.3.1 by striking the words "For streams with a defined bed and bank which drain 26 to 150 acres, the width of minimum flood corridors shall be equal to the channel bottom width, plus six times the channel depth, ;plus: i. 40 feet, for channels draining 101 to 150 acres; ii. 20 feet, for channels draining 51 to 100 acres; iii. 10 feet, for channels draining 26 to 50 acres."

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

CLERK Read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82751 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Drainage Criteria Manual by Resolution No. A-80038; and WHEREAS, a text change to the Drainage Criteria Manual is necessary to amend Chapter 1, 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 Chapter 10 - Flood Design Criteria.

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

That Chapter 1 of the Drainage Criteria Manual, adopted by the City Council on February 22, 2002 by Resolution No. A-80038, be and the same is hereby amended as follows:

1. Section 1.5.6 "Flood Corridor Management" is amended to read as follows:

1.5.6 Flood Corridor Management

In all watersheds within the Existing Urban Area where a FEMA mapped ~~floodway~~ floodplain has not been delineated, development shall preserve a corridor in channels which drain greater than 150 acres. In all watersheds within New Growth Areas, development shall preserve a corridor in all channels which drain greater than 150 acres or have a defined bed and bank. with a minimum width equal to the channel bottom width, plus 60 feet, plus six times the channel depth.

The width of minimum flood corridors shall be equal to the channel bottom width, plus 60 feet, plus six times the channel depth, and the corridor shall be centered on the channel or aligned such that the corridor follows the natural flow of flood waters. For streams with a defined bed and bank which drain 26 to 150 acres, the width of minimum flood corridors shall be equal to the channel bottom width, plus six times the channel depth, plus:

- i. 40 feet, for channels draining 101 to 150 acres;
- ii. 20 feet, for channels draining 51 to 100 acres;
- iii. 10 feet, for channels draining 26 to 50 acres.

The corridor width will be centered on the channel or aligned such that the corridor follows the natural flow of floodwaters. and be delineated along all channels with drainage areas exceeding 150 acres. Riparian vegetation and the existing grade within the identified flood corridors shall be preserved or enhanced to the maximum extent practicable, or mitigated during the development planning and construction processes when impacted by allowable encroachments. Individual areas of encroachments of the riparian vegetation and encroachments of fill into the existing grade will be permitted for operation, maintenance and repair, channel improvements, stormwater storage facilities, and, utility crossings. Individual areas of encroachment may also be permitted for public parks, pedestrian/bike trails, and other recreational uses, and public purposes, provided the encroachments are minimal and the uses are generally consistent with the purpose

of the corridor.

Sequencing and mitigation for encroachments into Minimum Flood Corridors is required as described in Chapter 2.05 of the Design Standards and Chapter 10 of this manual.

Flood corridors delineated during development of land shall be legally described and recorded.

Through the watershed master planning process, develop approximate 100-year projected future conditions flood profiles for mainstream and tributary channel corridors that are between the limits of detailed study by FIS and the boundary of the uppermost 150-acre sub-basin(s). Once the master plan flood profiles have been accepted by the City, regulate new development along the channel areas so the lowest opening in new buildings is protected from the flood profile.

In watersheds where FIS floodplains have not been delineated and where flood prone areas have not yet been determined through the watershed master planning process, regulate new development so the lowest opening of adjacent new buildings is protected to one foot above the calculated 100-year flood profile.

~~Regulate new development so it does not occur within minimum corridors. Riparian vegetation within the identified flood corridors shall be preserved to the maximum extent practicable, or acceptably mitigated, during the development planning and construction processes. Encroachments of the riparian vegetation will be permitted to provide for OM&R, channel improvements, public parks, pedestrian/bike trails, other recreational uses, utility crossings, streets and driveways, and other public purposes.~~

~~Flood corridors delineated during development of land shall be legally described and recorded.~~

2. Section 1.5.7 "NPDES Construction Site Activities" is amended to read as follows:

1.5.7 NPDES Construction Site Activities

A NPDES "notice of intent" and a Stormwater Pollution Prevention Plan (SWPPP) shall be required before land disturbance or vegetation removal activities occur on any site greater than 2.0 acres or equal to 1.0 acre in size. The structural and non-structural best management practices (BMPs) are recommended to address stormwater quality enhancement. The SWPPP shall be prepared by a designated erosion control designer. A designated erosion control designer shall be a; licensed professional engineer, architect or landscape architect; a professional in Erosion and Sediment Control, certified by the Soil and Water Conservation Society; or a person with similar erosion and sediment control training and knowledge certified by a nationally recognized erosion and sediment control association. As one condition of approval, a construction schedule shall be included which indicates installation of as many of the proposed BMPs as are feasible before any land disturbing activity is conducted, including site grubbing. The schedule will also indicate a plan to limit the duration of exposure of disturbed land.

Contractors and developers shall contact the City on the business day prior to performing land disturbance or vegetation removal on any site greater than 2.0 acres or equal to 1.0 acre. Construction sites will be inspected periodically for compliance with submitted SWPPPs.

BE IT FURTHER RESOLVED that the Drainage Criteria Manual, adopted by the City Council on February 22, 2002 by Resolution No. A-80038, be and the same is hereby amended by adding defined terms to Appendix 1-C, Glossary of Key Terms, as shown on Attachment A which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Drainage Criteria Manual, adopted by the City Council on February 22, 2002 by Resolution No. A-80038, be and the same is hereby amended to add Chapter 10, Flood Design Criteria for New Growth Areas, as shown on Attachment B which is attached hereto and incorporated herein by reference.

Introduced by Terry Werner

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

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to May 17, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on
May 17, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 8:30 P.M.

SVOBODA Moved to adjourn the City Council meeting of May 10, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant

