

MINUTES
JOINT PUBLIC HEARING
LANCASTER COUNTY BOARD OF COMMISSIONERS
CITY OF LINCOLN CITY COUNCIL
TUESDAY, JULY 14, 2009 AT 5:30 P.M.
555 S. 10TH STREET, LINCOLN, NE

LANCASTER COUNTY COMMISSIONERS

Bernie Heier, Chair was absent; Ray Stevens, Vice Chair; Commissioners: Larry Hudkins, Deb Schorr, Bob Workman.

CITY OF LINCOLN CITY COUNCIL MEMBERS

Doug Emery, Chair; John Spatz, Vice Chair; Council Members: Jon Camp, Eugene Carroll, Jonathan Cook, Adam Hornung, Jane Snyder.

CALL TO ORDER

The Joint Meeting of the Lancaster County Board and the Lincoln City Council was convened at 5:30 p.m.

Lancaster County Board Vice Chair Ray Stevens made introductions and called the Lancaster County Board of Commissioners to order.

Lincoln City Council Chair Doug Emery made introductions and called the Lincoln City Council Members to order.

ELECTION OF JOINT BODY CHAIR

WORKMAN Nominated Stevens as Chair of the Joint Body.
Seconded by Spatz & carried by the following County Commissioners vote: AYES: Hudkins, Schorr, Stevens, Workman; Heier absent; NAYS: None.
Followed by City Council vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

OPENING STATEMENT

Chairman Ray Stevens made brief introductory remarks regarding the Public Hearing procedures and protocol.

Chairman Stevens invited those wishing to provide testimony to come forward, indicating a five minute time limit would be utilized for those providing comments.

PUBLIC TESTIMONY AND VOTING SESSION

COMP. PLAN AMENDMENT 09001 - APPLICATION OF THE PLANNING DIRECTOR ON BEHALF OF THE LINCOLN POLICE DEPARTMENT TO AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT TEXT CHANGES TO THE COMMUNITY FACILITIES CHAPTER AS RELATED TO THE PUBLIC SAFETY-LAW ENFORCEMENT SECTION.

David Cary, Planning Department, took oath and came forward on behalf of the Lincoln Police Department who applied for this Comprehensive Amendment. This will specifically state that the Police Department currently has plans for improvement projects that will provide additional full service stations and other facilities as the community grows and changes both in the Capitol Improvements program as well as in the future as needs arise. This will clarify that there is some

language in this specific section that was ambiguous and somewhat misleading that they did not have any of these types of projects being planned or actually in the CIP. This will clean that up and make it more straight forward.

VOTE

SCHORR Moved for approval of Comp. Plan 09001.
Seconded by Hudkins & carried by the following vote: AYES: Hudkins, Schorr, Stevens, Workman; NAYS: None; ABSENT: Heier.

CARROLL Moved for approval of Comp. Plan 09001.
Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

The City Council resolution is numbered: **A-85425**

COMP. PLAN AMENDMENT 09003 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT TEXT CHANGES TO THE COMMUNITY VISION CHAPTER TO ADD THE GENERAL TOPIC OF "SUSTAINABILITY".

Marvin Krout, Director of Planning, took oath and came forward to state this is basically to announce the beginning of a community dialog on what this term should mean for Lincoln and Lancaster County. Planners over the years would say sustainability is conserving natural resources, walkable neighborhoods, long-term economic growth, making decisions that don't sacrifice the quality of life for future generations. There is not anything in the Comprehensive Plan about energy or consumption, but what is new this time is the evidence which is pretty overwhelming, of the impact of greenhouse gas emissions on climate change. People who own and operate industry, buildings, and transportation systems are going to be working to significantly reduce emissions in one form or another in the future. The purpose of this amendment is to set what considers the emission and how they might be reduced along with changes and demographics, along with changing technology, along with the changing economy and many other factors. The language today identifies the likely areas that possibilities could be investigated such as how to further encourage re-development and mixed use projects, whether we might significantly delay the bill for a new water supply by strengthening efforts of water conservation, or the bill for a new landfill site by further efforts of waste reduction and recycling, how to encourage more food to be grown locally and not be so dependent on food that comes from all over the world. The home builders are already covered in the comprehensive plan.

Mitch Paine, 7421 Otoe Ct., UNL intern in Mayor's office, took oath and came forward in support and to state he has been working with the Cleaner, Greener Lincoln initiative. His role is to research the efforts of other communities throughout the country and has found some shining examples are Seattle, Portland, Austin, San Francisco, Minneapolis, Chicago, Denver and Boulder who have well defined sustainability policy and programs as well as a Comprehensive Plan focused on creating a sustainable community. Some of the best comprehensive plan language was in Madison, Minneapolis, Denver and Des Moines. An energy efficiency and conservation block grant has been proposed, but not yet awarded and would provide a jump start to these efforts, but needs to be supported in the Comprehensive Plan. Some efforts currently underway are the replacing of all the traffic lights with LED's, capturing methane gas from wastewater facilities, and soon the landfill. This could be a chance for Lincoln to be a leader in the great plains in a corridor between Chicago and Denver.

Bob Workman, County Board, asked how the wording of Comprehensive Plans of other cities compared to Lincoln's?

Mr. Paine stated the language in Lincoln's Comprehensive Plan shows that leaders are committed to sustainability, but needs more input from the public.

Jon Camp, Council Member, asked at what cost do you allow the definition of sustainability to go?

Mr. Paine answered that changing 85% of traffic lights from incandescent bulbs (135 watts) to LED (8 watts) has saved the City \$70,000 per year.

Sarah Melecki, 331 N. 44th St., Apt. 920, took oath and came forward as a UNL student in support of the sustainability clause. She stated in looking ahead to where to locate after graduation she wants a community that is willing to invest in her and others and feels that sustainability is investing in the future and these students are the future.

Jim Dyck, 17701 S. 12th Street, Roca, NE, architect, took oath and came forward in support of sustainability. He commented he has become a LEED (Leadership, Energy, Environmental Design) Accredited Professional. This is an international program created and administered by the United States Green Building Council. Sustainability means to him meeting our needs today without compromising future generations from doing the same. Lincoln needs this. He stated the average green building saves 30% in energy, reduces carbon footprint by 35%, reduces water usage by 30 to

50%, and reduces waste stream by 50 - 90%. It has a lot to do with the future of the planet and meeting our needs in a way that doesn't compromise future generations.

Ray Stevens, County Board, asked Jim to tell about his own green building.

Mr. Dyck stated they did the LEED certified building at the Nature Center addition and a school that is a zero net energy building.

Eva Sohl, 640 S 12th Street, Apt. B4, took oath, UNL graduate, presented a letter from Kenneth Winston, member of The Sierra Club, in support of the sustainability amendment. She is also in support and stated after graduation she found a green job working for Nebraska League of Conservation Voters as the Energy Program Coordinator. She is excited to be involved with a green job.

Christy K. Joy, 1125 N. 52nd Street, took oath, stated she is a registered architect and LEED Accredited Professional with Architectural Etc. who came forward in support. Currently, they are building University Point which is registered as a LEED gold building and, hopefully, will have it certified as such in the City. It is believed Lincoln, Nebraska can be a hub to support those types of initiatives.

Ingrid Kirst, 1666 Burr Street, took oath, Executive Director of Community Crops, came forward in support. She is in hopes this will create green jobs so that people will stay in Lincoln. She believes a lot of vegetables and fruit can be raised in this community without having to transport it in. Farmland is being lost and feels it is important to keep this land in the community and encourage farmers to keep farming.

Larry Hudkins, County Board, asked what ideas do you have to keep farmers in the community that have rising land values, rising property taxes, and not good water for irrigation?

Ms. Kirst stated they have been working with families to grow more higher value crops to off set some of the land costs. The water issues will be continuous. In our program families can be participants by getting cheap rent at the training site, build up some assets, build up some resources then move on to their own land in the future.

Corinne Kolm, 1845 E Street, #3, took oath, came forward to read a statement from Senator Ken Haar in support of the amendment.

Adam Hintz, 1611 Van Dorn, took oath, co-owner of Meadowlark Coffee & Espresso at 1624 South Street came forward in support. He feels there is the human talent to make this successful.

Mary Roseberry Brown, 1421 F Street, took oath and came forward in support. She feels this is a responsibility to the future generation. To her this means economic sustainability that projects are examined by how it is going to affect the rest of the community and how is it going to affect the world?

Lynn Moorner, 404 S. 27th Street, attorney, took oath and came forward in support. She feels it is critical that cities consider sustainability and encourages continued research of larger cities such as Minneapolis, Portland, etc. She asked those in the audience who were in support of Comp. Plan Amendment 09003 to stand up.

Rick Krueger, no address given, took oath and came forward in opposition. He presented information that our country has an adequate supply of natural gas, renewable electricity would cost households more, and there is plenty of land to grow crops for our food supply. Banks are waiting for a guarantee from the federal government before committing to renewable energy business opportunities which also depresses job creation. He does not believe government, committees, and processes are the answer. Businesses and individuals are making decisions every day for their benefit and thereby benefitting the community. He feels the focus needs to be on job creation. He proposed a substitution for the sustainability section of the amendment.

Marvin Krout, Planning Director, stated that they need to search for what it is about sustainability that makes sense then get a consensus from the community to stand behind.

Doug Emery, Council Member, asked what is going to be voted on tonight does not demand that the City take any specific action correct? This is a goal that we'll have for the year 2030.

Mr. Krout answered that is right and it is officially 2030, but it will be updated to 2035 or 2040 in the upcoming update of the Comp. Plan. It doesn't move the City or County in any specific direction. It suggests areas for further research, study, and dialog.

Jon Camp, Council Member, asked if this was a written hard letter rule or more of a policy or guideline for the future.

Mr. Krout answered it is not just how he sees it, but how the Judicial branch sees it. It is an important guideline.

VOTE

WORKMAN Moved for approval of Comp. Plan Amendment 09003.
Seconded by Hudkins & carried by the following vote: AYES:
Hudkins, Schorr, Stevens, Workman;; NAYS: None; ABSENT: Heier.

COOK Moved for approval of Comp. Plan Amendment 09003.
Seconded by Hornung & carried by the following vote: AYES:
Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

The City Council resolution is numbered: **A-85426**

COMP. PLAN AMENDMENT 09004 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADJUST THE TEXT IN THE RESIDENTIAL CHAPTER REGARDING RURAL AREA/ACREAGE POLICY.

Mike DeKalb, Planning Department, took oath and came forward to state this is brought forward as a package to define and clarify existing language to update and no transfer of development rights could occur.

John Spatz, City Council, asked about the sentence on page 2, line 36 "and without use of Sanitary Improvement Districts" which sounds like the law of the Comprehensive Plan and not just a guideline. Discussion followed.

Marvin Krout, Planning Director, stated that SID is not mentioned in the Comp. Plan and that the City grows by offering water and sewer to those being annexed. Discussion continued.

Adam Hornung, City Council, continued the discussion of the reference of SIDS in the amendment.

Jon Camp, City Council, asked that since each body will pass this what is the process to make an amendment to delete this entire sentence that starts with Development in these tiers and ends with (SIDs)? Would each body make an amendment or would I make it as a whole and voted on by each body?

John Hendry, City Attorney, believes the City would make their own determination, but would need five votes to pass the amendment. He said there could be two existing plans, but that is permissible.

Tom Fox, County Attorney, stated the County Board is signing the County resolutions so are making their own decisions therefore could potentially be two separate items. Discussion continued.

Marvin Krout, Planning Director, stated SID is mentioned in this amendment of the Comp. Plan because the County Board wanted to make sure there wasn't anything that was preventing a community sewer or water system to be part of a rural cluster development that is allowed under the Counties rules or under the City's rules. Creating a community system is different than creating a SID. He continued that the City grows by offering water/sewer to those annexed. Discussion continued.

VOTE

CAMP Moved to amend Bill No. 09R-111 on Page 2, delete lines 35 and 36 and on line 37 delete the words "Districts (SIDs)".
Seconded by Spatz & **LOST** by the following vote: AYES: Camp, Hornung, Spatz; NAYS: Carroll, Cook, Emery, Snyder.

CAMP Moved to amend Bill No. 09R-111 on page 2, line 35 delete "should only be permitted under the" and add are encouraged to

follow; and on page 2, line 36 add the word preferably between the words "and" and "without".

Seconded by Spatz & **LOST** by the following vote: AYES: Camp, Hornung, Spatz; NAYS: Carroll, Cook, Emery, Snyder.

SPATZ made a Friendly Amendment accepted by Camp to add only the word preferably between the words "and" and "without".

CAMP Moved to place Bill No. 09R-111, Comp Plan Amendment 09004, on Pending.

Seconded by Spatz & **LOST** by the following vote: AYES: Camp, Hornung, Spatz; NAYS: Carroll, Cook, Emery, Spatz.

WORKMAN Moved approval of Comp. Plan Amendment 09004.

Seconded by Schorr & carried by the following vote: AYES: Hudkins, Schorr, Stevens, Workman; NAYS: None; ABSENT: Heier.

CARROLL Moved approval of Comp. Plan Amendment 09004.

Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Snyder; NAYS: Camp, Hornung, Spatz.

The City Council resolution is numbered: **A-85427**

COMP. PLAN AMENDMENT 09005 - APPLICATION OF THE PLANNING DIRECTOR ON BEHALF OF THE PARKS AND RECREATION DEPARTMENT TO AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT TEXT AND DIAGRAM CHANGES TO THE PARKS, RECREATION & OPEN SPACE CHAPTER TO ADD UNION PLAZA AS A REGIONAL PARK AND TO ALLOW COMMUNITY PARKS TO SERVE AS NEIGHBORHOOD PARKS.

David Cary, Planning Department, took oath and commented this amendment is to add a description of what a regional park is and adjusting the description of what a community park is so that it is better suited to be used as a neighborhood park.

Lynn Johnson, Parks and Recreation Dept. director, took oath, came forward to explain the intent is to have one neighborhood park within ½ mile walking distance of all residential areas. Overtime this will allow the impact fees to be expended which are designated for neighborhood park improvements. The impact fees could be used to purchase the portion of land that would have been the typical neighborhood park within that community park and fund those neighborhood park type improvements. This will help with the funding strategy overtime and make sure they are being efficient and not duplicating facilities within the community.

VOTE

CARROLL Moved approval of Comp. Plan Amendment 09005.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

HUDKINS Moved approval of Comp. Plan Amendment 09005.

Seconded by Schorr & carried by the following vote: AYES: Hudkins, Schorr, Stevens, Workman; NAYS: None; ABSENT: Heier.

The City Council resolution is number: **A-85428**

CALL TO ADJOURNMENT

County Vice Chair Ray Steven, as joint body chair, closed the public hearing.

SCHORR Moved to adjourn the Joint City/County meeting of July 14, 2009.

Seconded by Workman & carried by the following vote: AYES: Hudkins, Schorr, Stevens, Workman; NAYS: None; ABSENT: Heier.

Camp Moved to adjourn the Joint City/County meeting of July 14, 2009.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT

The Joint City/County meeting adjourned at 8:00 p.m.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

