

## **A G E N D A - W E D N E S D A Y , O C T O B E R 1<sup>ST</sup> , 7:00 P.M.**

- 1) **CALL TO ORDER – COUNTY BOARD, HEIER**
- 2) **CALL TO ORDER - LOWER PLATTE SOUTH NRD, PETERSEN**
- 3) **CALL TO ORDER – CITY COUNCIL, CAMP**
  
- 4) **ELECTION OF CHAIR - NRD: KATHY SPENCE CALLS ROLL  
CITY CLERK: JOAN ROSS CALLS THE ROLL  
COUNTY CLERK: SUSAN STARCHER CALLS THE ROLL**
  
- 5) **ELECTED CHAIR PERSON READS STATEMENT OF PROTOCOL**
  
- 6) **COUNTY CLERK: SUSAN STARCHER CALLS THE ITEMS**

**Calling for public hearing of the City Council and County Board: Comprehensive Plan Amendment No. 03004, requested by the Director of Planning at the request of Public Works and Utilities Department and Lower Platte South Natural Resources District to amend the 2025 Lincoln/ Lancaster County Comprehensive Plan to adopt the Southeast Upper Salt Creek Watershed Master Plan and to amend the Land Use Plan to change the designation of land to Green Space and Agricultural Stream Corridor in an area generally located between Salt Creek and South 70<sup>th</sup> Street, from Yankee Hill Road to south of Saltillo Road.**

**Calling for public hearing of the Lower Platte South Natural Resources District: Adoption of the Southeast Upper Salt Creek Watershed Master Plan.**

- 7) **BRIEF STAFF PRESENTATION**
  
- 8) **PUBLIC TESTIMONY**
  
- 9) **QUESTIONS FOR STAFF**
  
- 10) **CALL FOR A MOTION FROM EACH GROUP**
  
- 11) **DISCUSSION OF MOTIONS BY NRD, CITY COUNCIL & COUNTY BOARD MEMBERS**
  
- 12) **CALL FOR A VOTE BY JOINT MEETING CHAIR**
  
- 13) **CITY CLERK: JOAN ROSS CALLS THE ROLL  
COUNTY CLERK: SUSAN STARCHER CALLS THE ROLL  
NRD: KATHY SPENCE CALLS ROLL**
  
- 14) **CALL TO RECESS - COUNTY BOARD, HEIER**
- 15) **CALL TO RECESS - LOWER PLATTE SOUTH NRD, PETERSEN**
- 16) **CALL TO RECESS - CITY COUNCIL, CAMP**

**JOINT PUBLIC HEARING  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
CITY OF LINCOLN CITY COUNCIL  
LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT (NRD)  
WEDNESDAY, OCT. 1, 2003  
SCOTT MIDDLE SCHOOL  
2200 PINE LAKE ROAD, LINCOLN, NE  
7:00 P.M.**

**Comprehensive Plan Amendment No. 03004  
Southeast Upper Salt Creek Watershed Master Plan**

Lancaster County Commissioners Present:

Bernie Heier, Chair  
Ray Stevens, Vice Chair  
Deb Schorr  
Bob Workman

City of Lincoln City Council Members Present:

Jon Camp, Chair  
Terry Werner, Vice Chair  
Jonathan Cook  
Ken Svoboda  
Annette McRoy  
Patte Newman

Lower Platte South NRD Members Present:

Ron Case	Phyllis Hergenrader
Terry Kubicek	Dan Steinkruger
Ron Svoboda	Ken Reitan
Larry Swanson	Dean Peterson
Bud Dasenbrock	David Potter
Elaine Hammer	Larry Zimmerman
Barb Morley	Steven Larrick
Wes Furrer	Kim Scholting

Elected Officials Absent:

Larry Hudkins, Lancaster County Commissioners  
Glenn Friendt, City of Lincoln City Council  
Don Jacobson, Lower Platte South NRD  
Dale Flowerday, Lower Platte South NRD  
David Nielsen, Lower Platte South NRD  
Bob Anderson, Lower Platte South NRD  
Jason Hayes, Lower Platte South NRD

Others Present:

Steve Henrichsen, Special Projects Manager-City Planning  
Nichole Fleck-Tooze, Special Projects Administrator-Public Works  
Joan Ross, City Clerk  
Susan Starcher, Lancaster County Clerk's Office  
Kathy Spence, NRD Secretary  
Rick Peo, Chief Assistant City Attorney

The Joint Public Hearing was called to order at 7:00 p.m.

1) **CALL TO ORDER:**

Lancaster County Board Chair Bernie Heier called the Lancaster County Board of Commissioners to order.

Lower Platte South NRD Chair Dean Peterson called the NRD Board to order.

Lincoln City Council Vice-Chair Terry Werner called the Lincoln City Council Members to order.

2) **ELECTION OF JOINT BODY CHAIR:**

City Councilman Terry Werner requested nominations from the three respective governmental bodies for the position of Joint Body Chair.

**MOTION:**

A motion and second were received from the joint elected bodies to nominate Ken Svoboda, Lincoln City Council, to serve as Chair of the Joint Bodies for this public hearing. With no further nominations being brought forward the call for nominations was closed.

**NRD:** Case, Kubicek, Svoboda, Swanson, Dasenbrock, Hammer, Morley Furrer, Hergenrader, Steinkruger, Reitan, Peterson, Potter, Zimmerman, Larrick, Scholting, vote aye. No nays. Motion carried.

**County Commissioners:** Heier, Stevens, Schorr, Workman vote aye. No nays. Motion carried.

**City Council:** Camp, Werner, Cook, Svoboda, McRoy, Newman vote aye. No nays. Motion carried.

3) **OPENING STATEMENT:**

Chairman Ken Svoboda made brief introductory remarks regarding the public hearing procedures and protocol.

4) **CALL FOR PUBLIC HEARING:**

Susan Starcher, representing the Lancaster County Clerk's office read into the record the two agenda items before the joint body. The agenda items to be heard were Comprehensive Plan Amendment No. 03004, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to adopt the Southeast Upper Salt Creek Watershed Master Plan, and the amendment of the Land Use Plan to change the designation of land to Green Space and Agricultural Stream Corridor in an area generally located between Salt Creek and South 70<sup>th</sup> Street, from Yankee Hill Road to south of Saltillo Road.

The Lower Platte South Natural Resources District only acting on the adoption of the Southeast Upper Salt Creek Watershed Master Plan.

5) **INTRODUCTORY STAFF COMMENTS:**

Steve Henrichsen, Special Projects Manager for the City of Lincoln/Lancaster Planning Department, gave a brief overview of the public hearing process and procedures.

Nichole Fleck-Tooze, Special Projects Administrator for the City of Lincoln Public Work Department, gave a statement regarding the Master Plan and what the proposed outcomes of the plan would be. Fleck-Tooze indicated that this was a joint plan between the City of Lincoln and the Lower Platte South NRD. Fleck-Tooze commented that adoption of Concept A was the recommendation of the Planning Commission.

6) **PUBLIC TESTIMONY:**

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

**Mike Rierdon:**

Appeared representing Lincoln Federal Savings Bank of Nebraska and presented comparisons of Concept A and Concept C with the assistance of Tom Riley, a water resources engineer. Rierdon indicated that Lincoln Federal has 580 acres that will be impacted by the decision made.

**Amy Tuttle:**

Appeared representing the League of Women Voters. Tuttle indicated that the League has taken a position supporting Concept A in its present form. Tuttle submitted a position letter for the record. (Exhibit 1)

**Danny Walker:**

Mr. Walker appeared and indicated that he supports either Concept A or Concept B, but prefers Concept A. Walker submitted a position letter and an August 14, 2003 Omaha World Herald article and September 27, 2003 Lincoln Journal Star article into the record. (Exhibit 2)

**Tim Knott:**

Appeared representing the Wachiska Audubon Society, indicating that they support Concept A because of its high standards and flexibility.

**Ed Patterson:**

Current president of the Malone Neighborhood Association, appeared indicated that the big picture needs to be kept in mind and questioned the cost of the removal of sediment.

**Bill Newstrom:**

President-Elect of the Realtors Association of Lincoln, appeared and provided a position letter for the record. (Exhibit 3) Newstrom indicated that the Board supports Concept C. He indicated the Board felt it contained a better balance of interests for all members of the community.

**Peter Katt:**

Katt appeared as legal representative of the Realtors Association and indicated that the Board feels that Concept A and Concept C both apply the same standards. Katt commented that the development standards seem to increase regulatory impositions.

**Jayne Snyder:**

Appeared representing Lacoco Properties. Snyder briefly discussed the potential impacts on the Lacoco properties and indicated their support for Concept C.

**Jim Fram:**

Jim Fram, President of the Lincoln Chamber of Commerce, appeared and submitted a position paper into the record. (Exhibit 4) Fram indicated the Chamber supports Concept C because it provides balance planning, economic opportunities and flexibility.

**Lynn Darling:**

Ms. Darling appeared indicating that she had served on the Friends of Wilderness Park Board. Darling stated that she supported Concept A and opposes Concept C. NRD Board Member Kubicek questioned whether she felt that Concept A strengthens the Comprehensive Plan. Darling indicated she felt that Concept A was a more knowledgeable plan.

**Russell Miller:**

Miller submitted a position letter into the record. (Exhibit 5) Mr. Miller indicated that he supports Concept A as it provides for no increase in the amount of water flowing into Salt Creek.

**Foster Collins:**

Mr. Collins appeared and stated that he supports Concept A as it allows for administrative simplicity. He commented that Concept C would require greater compliance monitoring. Collins indicated that he had served on the Mayor's Flood plain Taskforce.

**Janet Jodais:**

Ms. Jodais appeared and entered some general comments into the record. Jodais expressed concern regarding costs.

**Marilyn McNabb:**

Ms. McNabb indicated that she too had served on the Mayor's Flood plain Taskforce. McNabb stated that she supported Concept A as Concept A preserves the wetlands and 'is the rule' rather than the exception as found in Concept C. McNabb expressed concerns regarding the meeting between the City/County Planning Department and developers on the development of Concept C.

**Kent Winston:**

Winston appeared on behalf of the Bluestem Chapter of the Nebraska Sierra Club. Mr. Winston entered a position paper into the record. (Exhibit 6) He reiterated that Concept A is only an amendment to the Comprehensive Plan and is not intended as a zoning regulation. Winston discussed the legal concepts of 'takings'. NRD Board member Kubicek questioned whether Winston feels that Concept A strengthens the public process. Winston responded that he feels that it provides a more consistent and fair set of guidelines.

**Dan Schlitt:**

Mr. Schlitt appeared and indicated that he felt Concept C provided a financial windfall for developers. Schlitt expressed concern that the consequences of encroachment fell onto the purchasers of property and not onto the developers.

**Roxanne Smith:**

Ms. Smith appeared and placed into the record a copy of an August 26, 2003 Wall Street Journal article into the record. (Exhibit 7). Ms. Smith gave some general statements about the value of protecting urban greenspace.

**Mark Hunseker:**

Mr. Hunseker appeared and indicated he was representing John Sampson of Sundance LLC and also Lacoco Properties. Extensive discussion was held by Hunseker and the elected officials regarding cost-benefit analysis of Concept A and Concept C; stream corridor designations and possible construction through stream corridors; issues of land off of tax rolls. Hunseker indicated that city staff recommendation was to include Concept C as well as Concept A. Mr. Hunseker further indicated that the same design standards would apply under both concepts.

NRD Board Members Zimmerman expressed concern that developer words do not always translate into developer action. NRD Board Member Kubicek questioned whether the substitution of wetlands creates a change in their function and use. Hunseker indicated that was a possibility, but only a possibility. Kubicek questioned why Concept A was not an acceptable choice, allowing developers to request variances. Hunseker stated that there would be a risk of capital in that manner.

At the conclusion of this testimony, Chairman Svoboda called for a ten minute break. The public hearing was recessed at 9:25 p.m.

The public hearing was reconvened at 9:35 p.m. and testimony continued.

**Rusty Banks:**

Mr. Banks appeared and indicated that he supported Concept A. Banks commented that he felt there would be greater scrutiny under Concept A and a greater chance of hasty action under Concept C. Banks stated that Concept A appeared to be easier to enforce and Concept C appeared too general.

**Mary Roseberry-Brown:**

Ms. Brown appeared and indicated that she was representing the Friends of Wilderness Park. Roseberry- Brown stated that they supported Concept A. She stated that it was her understanding that only 240 acres of the total watershed were impacted by potential conservation easements and not 405 acres as

indicated by Mark Hunseker. She stated that she obtained this figure from Nicole Fleck-Tooze during the Planning Commission meeting. Roseberry-Brown commented that they felt there was adequate flexibility in Concept A and that Concept C seemed to encourage development of the flood plain.

**Richard Sutton:**

Sutton appeared and gave testimony indicating that he supported Concept A. Mr. Sutton introduced the use of green lining and indicated after questioning from County Commissioner Schorr, that the green line concept would work equally well under Concept A or Concept C.

**Rick Onnen:**

Mr. Onnen, with Engineering Design Consultants, appeared representing Lincoln Federal Savings Bank of Nebraska. Onnen indicated that they support Concept C.

**Kent Thompson:**

Mr. Thompson indicated that he served on the Mayor's Flood plain Taskforce. Thompson commented that he felt that there must be a balance between benefits and flood plain protection. He indicated that he supports Concept C.

**Dave Titterington:**

Mr. Titterington appeared and indicated that he wanted the bodies to take into consideration wildlife protection issues as well. Titterington advocated the use of buffers around the flood plain.

With no further citizens requesting time to provide testimony, Chairman Svoboda asked the bodies what their desires were with regard to final action. Chairman Svoboda asked Chief Assistant City Attorney Rick Peo to provide guidance on this issue.

Chief Assistant City Attorney Rick Peo appeared and indicated that there was no requirement that the bodies take final action at the conclusion of the public hearing. Peo stressed that adoption of a consistent plan between the bodies was the goal.

County Commissioner Heier asked if the individual bodies could make a motion on their desires relating to the meetings conclusion.

Commissioner Stevens indicated that he would prefer that each body meet separately with Planning Department staff to have their respective questions answered and then vote within their respective bodies.

Councilman Svoboda, as joint body chair, closed the public hearing.

County Commissioner Stevens moved, and County Commissioner Schorr seconded, to adjourn the Lancaster County Board of Commissioners. Stevens, Schorr, Heier voted aye. Workman voted nay. Motion carried.

NRD Board Member Hammer moved, and Kubicek seconded to adjourn the Lower Platte South NRD Board. Motion carried.

Ron Case-Nay	Phyllis Hergenrader-Aye
Terry Kubicek-Aye	Dan Steinkruger-Nay
Ron Svoboda-Aye	Ken Reitan-Aye
Larry Swanson-Aye	Dean Peterson-Aye
Bud Dasenbrock-Nay	David Potter-Aye
Elaine Hammer-Aye	Larry Zimmerman-Aye
Barb Morley-Aye	Steven Larrick-Aye
Wes Furrer-Aye	Kim Scholting-Nay

City Council Member Svoboda moved, and Council Member McRoy seconded the motion to adjourn the Lincoln City Council. A friendly amendment recommendation was made by Council Member Cook to continue this matter and place the issue on the Council's agenda for action, without further public hearing, on October 6, 2003, and to adjourn. Svoboda and McRoy accepted the amendment. Camp, Cook, McRoy, Svoboda voted aye. Newman and Werner voted nay. Motion carried.

Written testimony from Krueger Development was also entered into the record (Exhibit 8).

The public hearing adjourned at 10:27 p.m.

# PLEASE SIGN

PRINT NAME

PRINT ADDRESS

PHONE #

PRINT NAME	PRINT ADDRESS	PHONE #
MIKE RIERDEN	645 M ST #200	476-2413
Tom Riley	1338 S 202nd Eagle NE	435-5411
AMY TUTTLE	1910 Lake Geneva	435-5454
DANNY WALKER	427 "E" St	477-7064
Tim Knott	4310 Waterbury Ln. <sup>68516</sup>	483-5656
Ed Patterson	2108 Q	402-320-5387
Buc Newstrom	2701 Kipling Cir. 402	436-3348
Peter Katt	1045 Linda Mall	976-7621
JAYNE SMYDEN	810 LAKEWOOD DR	489-2425
JIM FRAM	7521 CROSS CREEK CT	432-2352
Lynn Darling	2601 S.W. 23	434-5005
RUSSELL MILLER	341 S. 52	499-2611
Foster Collins	2100 Calvert St	420-2101
Annet Godwin	2425 Fellowship Blvd Apt 102	438-0951
Marilyn McNabb	1701 W. Rose St	471-2035





To: Members of the City Council, the Lancaster County Board of Commissioners, and the  
Lower Platte South NRD  
From: League of Women Voters of Lincoln/Lancaster County  
Re: Comprehensive Plan Amendment No. 03004  
Southeast Upper Salt Creek Watershed Master Plan

The League of Women Voters of Lincoln/Lancaster County supports adoption of the Master Plan for the Southeast Upper Salt Creek Watershed, and recommends Concept Plan A in its present form.

League recognizes that the Council and Commissioners must consider conflicting theories of best land use in determining public policy, but believes that their wisest community development decisions are based on the long-term interests of the community as a whole. We submit that the Master Plan, as recommended by the Planning Commission and by the Public Works and Utilities Department, best fulfills this objective.

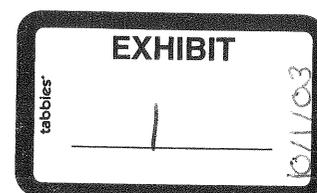
The Master Plan is the result of an extensive public process that involved the work of community development and floodplain management experts, as well as input from the public. If implemented without amendment the plan would:

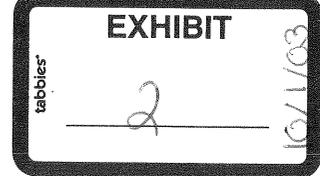
- Be the least expensive option for the City of Lincoln in a time of economic stress;
- Best protect that reach of Salt Creek from continued erosion and water contamination;
- Maintain the present floodplain area, unenlarged by building fill;
- Maintain wetlands to filter contaminants and retain floodwaters;
- Prevent further loss of natural habitat and resources in the Salt Creek floodplain;
- Provide the city with continued natural flood control in the 100-year flood-prone area; and
- Provide quality of life benefits to the community by affording recreation and educational opportunities along the Salt Creek corridor.

Thank you for the opportunity to provide input in this issue, which is important to all citizens of Lincoln. We believe that the public process through which the proposal was developed should be given consideration, and that the Master Plan, as presented by the Public Works and Utilities Department and approved by the Planning Commission as Plan A, should be adopted into the Comprehensive Plan.

An addendum in relation to Plan C:

In comparing Plans A and C, League recommends asking Public Works' assessment of the water-control efficiency of the two plans. League also recommends a careful examination into their comparative costs. Plan A's cost to the city is estimated at \$8,424,000, of which Public Works notes: "While the cost of implementing the Master Plan will be significant, the up-front costs are much less than the future costs of stream degradation, increased flooding, and water quality degradation." In relation to Plan C, we have seen no estimate of costs, which may, in fact, be considerable. They would include, not only the suggested subsidy to private development in constructing water-control facilities, but also the continuing costs to the city of enforcing and inspecting that construction, and of assuring that the facilities are kept in repair.





Lincoln City Council  
Lancaster County Planning Commission  
Lincoln, Nebr.  
October 1, 2003  
Subject Southeast Upper Salt Creek Watershed Management Plan

Danny E. Walker  
430 "E" St.  
Lincoln, Nebr.  
68508

Good Afternoon:

I'm here to speak in favor of Plan "A" and or Plan "B" of the storm water master plan. However, due to the fact that I reside in the Salt Creek floodplain I would prefer Plan "A" of the storm water master plan due to the fact in my opinion the plan provides firm protection of the actual 100 year floodplain.

Due to mismanagement of the Salt Valley floodplains by the City of Lincoln and the Lower Platte South NRD the threat of flooding in ALL areas of the basin has increased over the past several years which has resulted in a threat to a loss of quality of life for those residing in the basin.

The dam system that was designed to protect the area is fast approaching their life expectancy of fifty (50) years with little help such as funding in sight...It is a fact that funds are being diverted to improve low risk dams and raise the height of one dam by four (4) feet as a result of downstream development. COST=1.1 Million dollars. (LJS 9-29-03) What Impact Fees????

What sense does it make to spend millions to lessen the threat of flooding along Beals Slough creek and yet allow major building to take place right up to the banks (both sides) of the creek in the proximity of 56<sup>th</sup> and highway 2.

Major steps must be taken to protect and preserve all floodplains in the Salt Valley Basin from future misuse

Also, I'll read and pass out copies of a statement supposedly made by Attorney Katt (LJS 9-27-03) that I wish to have inserted in the minutes of this meeting..

Plan "C" emits quite an odor and I suggest the public should be made aware of the fact that this plan "C" was conceived as a result of several meetings held in private ,behind closed doors with City Staff, developers and their attorneys.

Lets make sure the million dollars supposedly set aside for expansion of Wilderness Park is actually used for that purpose and not used to benefit Developers..

Be advised, the SSCCO voted to recommend your approval of either Plan "A" or Plan "B" during one of their previous meetings..

Thank you,

Danny E. Walker

file  
FEMA  
EPA

---

# Homes on flood plains still worry officials

OWH = 8-14-03

■ \$500,000 is budgeted for 2004 to buy out property on Nebraska rivers and streams.

LINCOLN (AP) — More than 130 homes were destroyed and two people died in Nebraska's flood of 1993.

The 1993 flooding along the Missouri River gave the state extra motivation to get people to move out of flood plains — the large areas that border rivers and streams.

Efforts to get people to leave, however, have been mixed across the state.

More development has gone back into the flood plains over the past 10 years, especially in urban areas, said Brian Dunningan of the State Department of Natural Resources.

"We're certainly not to any

great extent getting out of the flood plain," he said.

Glenn Johnson, general manager of the Lower Platte South Natural Resources District, said his agency bought out some landowners along Salt Creek in Ashland before 1993 but has not had a buyout program since.

"We've done our best to discourage people from building in the flood plain," Johnson said.

The Papio-Missouri River Natural Resources District in

Omaha had an active buyout program after the 1993 floods, said Marlin Petermann with the district.

Thanks to federal money, the district purchased 150 homes and cabins along the Missouri River south of Bellevue.

The district now has an official buyout policy and has budgeted \$500,000 for buyouts next year along the Papio Creek and the Missouri and Elkhorn Rivers, Petermann said.

"Really, the most sensible solution is to move people away from floodwaters rather than trying to keep floodwaters away from people."

The Federal Emergency Management Agency estimates that federal, state and local governments spent \$203 million acquiring, elevating or removing damaged properties from flood plains after the 1993 floods. That resulted in an estimated \$304 million in reduced future disaster damages.

---

# Deluge of views on flood plains

9-27-03  
Developers face off against nature groups on Southeast Upper Salt Creek watershed issue.

BY NATE JENKINS  
Lincoln Journal Star

In Tim Knott's imagination, 370 acres that represent an imminent division between developers and environmentalists like himself have a distinct, uniform color.

The color traces the Southeast Upper Salt Creek watershed and energizes his beloved Wilderness Park. It also clashes with the rooftops landowners hope to someday see in the flood plain along the creek.

"We believe it's beneficial to the city as a whole, and for the quality of life, to have these green belts throughout the city," said Knott, a member of Friends of Wilderness Park. "We would like to have these green fingers, or wildlife corridors, stick out from Wilderness Park."

The group has proved a keen participant on a key issue that could be resolved Wednesday with votes from both the City Council and Lancaster County Board of Commissioners.

Before the elected bodies are two primary options — so-called Concept A and Concept C.

A decision to amend the Lincoln-Lancaster County Comprehensive Plan with Concept A, supported by environmentalists, would strongly discourage development in portions of the flood plain that stretch between Salt Creek and 70th Street, from Yankee Hill Road to south of Saltillo Road.

The C Concept, which has been supported by city staff as a compromise with landowners, would allow some development while meeting the same objectives, at least in regard to flood protection.

"Its (Concept A's) supporters say 'Let the critters take over — don't touch a square inch of that space,'" said attorney Peter Katt, who represents some of the area's landowners.

"Concept C provides some flexibility in accomplishing the objectives laid out in the plan" for the flood plain, he continued. "We want to make sure stormwater flooding doesn't occur. ... We also want to improve water quality in the streams and eliminate future costs of stream erosion. ...

## Flood plain

Continued from Page 1A

"If these same standards (of Concept A) were overlaid on the city today, downtown Lincoln would not be in existence, and neither would most of the city."

City regulations allow encroachment into the flood plains.

The study on the Southeast Upper Salt Creek watershed that was the basis for the recommendations is one of three studies that will help steer future policy on development in key flood plains.

Reports on the Stevens Creek and Cardwell Branch basins will be completed over the next few years.

Answering the question of whether development should be allowed in the Southeast Upper Salt Creek watershed raises another: how to pay for the broader plan that will be addressed by either Concept A or C.

"Nobody in the development community really believes there will be any money for A or C," Katt said.

Concept C was not one of the original options and was crafted later, said Nicole Fleck-Tooze of the city's Public Works Department, to strike a balance between the concerns of

landowners and the need to protect the flood plain.

It was narrowly turned down recently by the Lincoln-Lancaster County Planning Department in favor of Concept A. That vote is a recommendation to the City Council and County Board.

The master plan addressed by both options includes construction of detention facilities, wetlands to filter stormwater runoff and measures to improve stream stability.

Total cost: \$8.4 million.

Of the 370 acres in the watershed, conservation measures are proposed for 228 acres west of 48th Street. The remainder will be protected by existing ordinances and acreages.

Easements to those 228 acres would be purchased under Concept A. Most of that — 160 acres — is within the wider area slated for an initial wave of development over approximately the next 12 years.

Easements on 68 acres to be served by infrastructure such as water lines and developed after the 12-year period would be purchased subsequently.

The goal, said Fleck-Tooze, is to construct over the next six years the pieces of the master plan — wetlands, detention facilities and the like — in the watershed within that initial wave of development.

That portion is expected to cost about \$4.6 million.

Currently, only \$1 million is earmarked to complete the plan, \$750,000 of which is city money. Voters could be asked to issue

bonds to pay for some of the difference.

Said Katt: "The real issue is this: If we assume A, who pays for the added cost of public infrastructure that will have to extend through these green areas" to serve adjacent areas outside the flood plain. "Everybody knows streets will have to cross it, and sewer lines and water lines. All of those have costs that normally you can pay for with help from the property being improved adjacent to it."

Under Concept C, landowners, at their own cost, would have to remedy impacts of construction on the flood plain. If a development reduced the amount of flood storage, for example, it would have to provide an equivalent amount of storage elsewhere.

Besides creating green space, all pieces of the master plan, such as constructing wetlands, would remain intact under Concept C. And if a developer chose to go beyond what is required and include elements of the master plan in his or her construction plans, public funds could be considered.

The money could come from \$1 million set aside for purchasing land that, under Concept A, would be off-limits to development.

"If the developer pays for all his own, mitigating measures" to offset impacts of construction under Concept C, said Fleck-Tooze, "yes, we may have to pay for 50 percent fewer conservation easements, and there's some savings."

"The caveat is, do you get the same value from the mitigating actions as you would from leaving the flood plain in its present state?"

If Concept A is approved Wednesday, city officials would quickly ask that the City Council grant them the ability to force property owners, through eminent domain, to give up land.

Some property owners, however, already have their own government-issued hammers. Katt said some have permits that allow them to "fill" portions of the flood plain, effectively raising their land above an area that would be restricted under Concept A.

"They would prefer not to use them," Katt said of the permits. "It's not a threat; they're just protecting their interests."

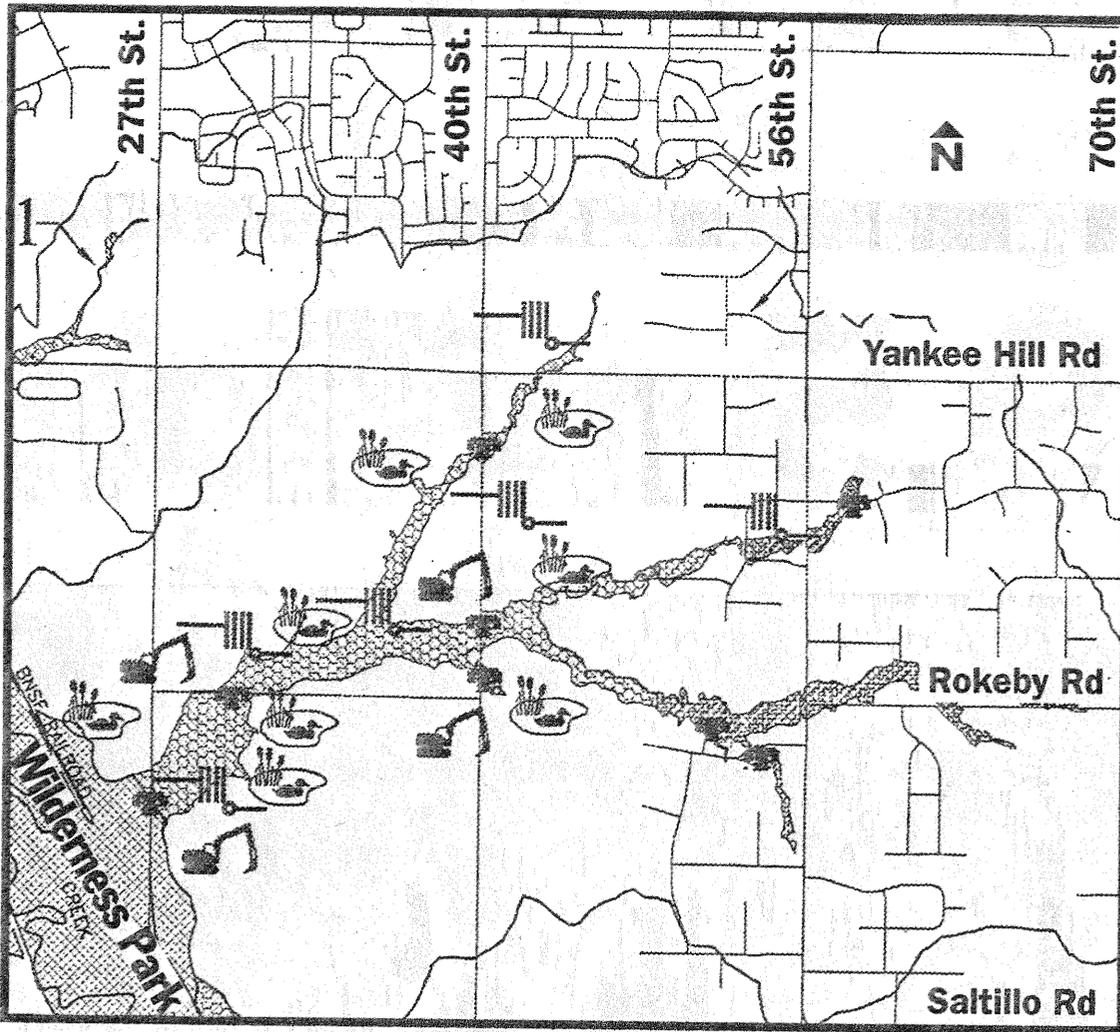
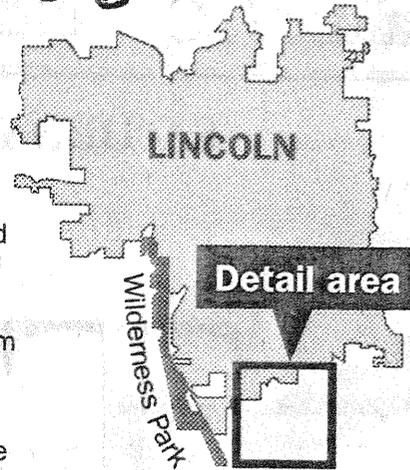
Reach Nate Jenkins at 473-7223 or njenkins@journalstar.com.

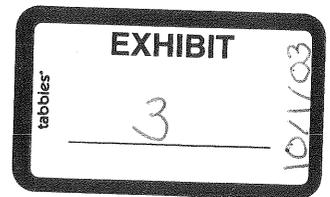
# Flood plain

LSS = 9-27-03

The city-county comprehensive plan includes construction of detention facilities, wetlands to filter runoff and measures to improve stream stability in the Southeast Upper Salt Creek watershed, which lies east of Wilderness Park.

- LEGEND:**
-  Potential public bridge or culvert improvement
  -  Potential constructed water-quality wetland
  -  Potential bioengineered stream stability measure
  -  Potential grade stabilization structure





# REALTORS® ASSOCIATION OF LINCOLN

September 30, 2003

Lancaster County Board of Commissioners  
Lower Platte South NRD Board  
Lincoln City Council  
555 South 10<sup>th</sup> Street  
Lincoln, NE

RE: Southeast Upper Salt Creek Master Plan

Dear Elected Officials:

The REALTORS® Association of Lincoln supports and would urge you to adopt the Concept C Staff recommendation to the Planning Commission. The association believes that Concept C better balances the interests of all members of the community by providing multiple options by which the objectives of the Plan can be met.

The REALTORS® believe that the best results can be achieved in our community by developing a broad based consensus on controversial issues. Narrow self-interests or those that are devoted to making decisions based upon single-issue politics do not have the long-term interests of our community at heart. Instead of adopting only Concept A, let us build upon the consensus that more demanding watershed development standards are appropriate and allow some flexibility and the marketplace to work in how to accomplish the standards. Flexibility and common sense application of these standards in the future will provide the greatest long-term benefits to our community.

The REALTORS® Association of Lincoln represents over 800 independent real estate professionals in the Lincoln/Lancaster County market area and is a proponent of private property rights. The association is also committed to insuring the positive and beneficial development of the city of Lincoln for the benefit of our current and future residents.

Sincerely,

A handwritten signature in cursive script that reads "Darlene Starman".

Darlene A. Starman, President  
REALTORS® Association of Lincoln



Chamber of Commerce

October 1, 2003

Lancaster County Board of Commissioners  
Lower Platte South NRD Board  
Lincoln City Council  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

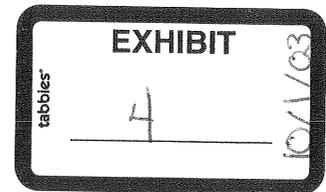
Dear Elected Officials:

This letter is to urge your support for the "Concept C" option for the Southeast Upper Salt Creek Master Plan.

The Lincoln Chamber was an active participant in the Mayor's Flood Plain Task Force over the past two years and remains committed to finding and developing solutions on flood plain issues that everyone in our community could support. The proposed new watershed development criteria will impact everyone in the community. No one group's position should be so inflexible or strident in their desires and beliefs so as to be unable or unwilling to accommodate other means of accomplishing the shared objectives of our community.

Lincoln supports development that respects and incorporates our natural environment. Land developers generally understand this and are keenly aware of the benefits of proper planning for flood protection. Concept C provides standards needed to protect the floodplain, aid in protecting future land uses from storm damage, improve water quality, and prevent future stream erosion without dictating how the objectives are to be satisfied.

As you are aware, Concept C allows some improvements to be made so that the developments can afford to assist the community in making the improvements necessary to accomplish the stated objectives as well as pay for infrastructure.



Concept C:

- Provides a flexible, economical, and balanced solution
- Protects Salt Creek from erosion and water contamination
- Protects property rights and sustains economic development opportunities

The Lincoln Chamber of Commerce believes Concept C aligns with our Board Resolution on this issue and best embodies the values of floodplain protection, balanced planning, and flexible Storm Water Master Planning. Concept C strikes a proper balance between these goals and the realities of our community's ability to pay. We ask for your consideration and support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Fram', with a stylized flourish extending to the right.

Jim Fram, CED  
President

From: Russell Miller  
341 S. 52  
Lincoln, Nebraska 68510

1 October 2003

I feel that you should adopt Alternative A for the following reasons:

You, the City Council, County Board and the Natural Resource District, must not let the open areas of Salt Creek and its tributaries (Stevens Creek, Middle Creek, Oak Creek, etc.) become another Beal Slough. That area was allowed to develop with little regard to stormwater run-off. The consequences are illustrated in enclosure 1 which came from the Beal Slough Stormwater Master Plan of 1999. Please note that Beal Slough's discharge into Salt Creek has doubled from 1978 to 1998. (Beal Slough's discharge will now occupy 45% of Salt Creek at the 'O' street bridge instead of 25 % that FEMA maps are based upon.)

What can be done with that extra water to keep it from causing additional damage downstream.

**NOTHING. WHY NOT?**

**THE ANSWER:** The Beal Slough area is entirely developed.

Enclosure 1 show a huge inflow of water at 27th street , where Tierra Branch empties into Beal Slough. Where does that water come from? Tierra Branch drains the Williamsburgh area and the housing and apartment complexes north of Old Cheney street and east of 27th street. A separate report indicated that the Williamsbough area does not significantly increase Tierra Branch flows because of their retention/detention ponds that were built as the project was built. However, the multistory apartment complexes that occupy 200 plus acres northeast of 27th & Old Cheney drain into Tierra Branch and have absolutely no stormwater control. Unfortunately, this area is so tightly developed nothing can be retrofitted into it that could retain significant amounts of water. It would be extremely expensive to demolish buildings to make room for a detention pond. All because of bad planning and not caring about the future.

**SO WHERE DOES THAT WATER GO??**

It goes downstream and into Salt Creek along with all the other water draining into Salt Creek from its other tributaries. In the 60 year or greater rain event, it goes over the levees that were not designed for such increased run-off. This results in the needless flooding of established homes and business downstream. See enclosure 2, 3 , 4 and 5.

**WHAT CAN BE DONE TO KEEP THIS BAD SITUATION FROM GETTING WORSE??**

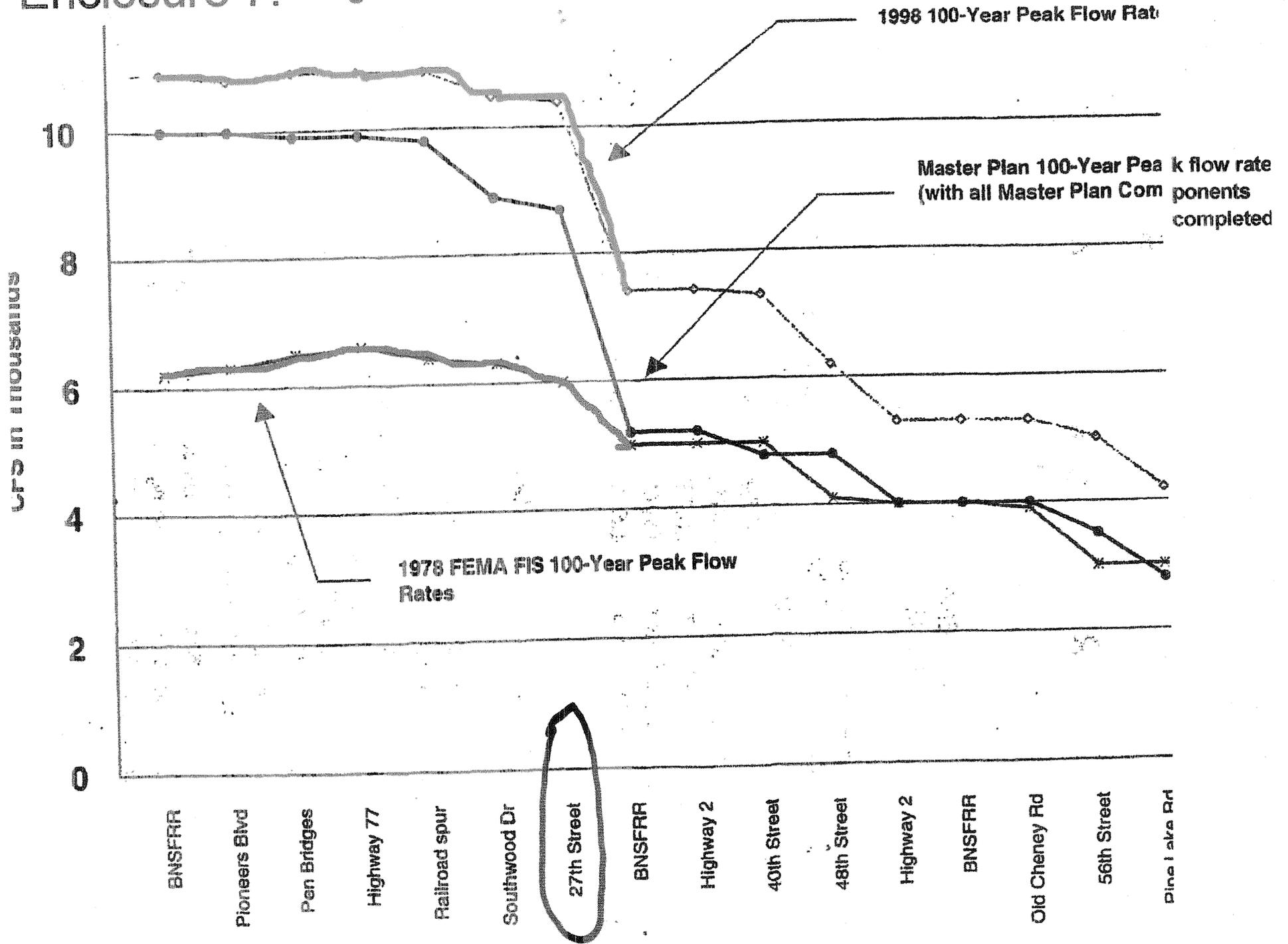
Adopt Alternative A for this watershed so there is no increase in of water flowing into Salt Creek.

**DO NOT REPEAT THE MISTAKES OF BEAL SLOUGH.**

Thank you,

Russell Miller

# Enclosure 7: Figure ES-5 from BEAL SLOUGH STORMWATER MASTER PLAN



## ENCLOSURE 2



### 110 B ST.

year house built: 1978  
owner occupied no / duplex  
county assessed value: \$69,000  
type of flood proofing: none  
location: floodplain now but not when it ws built



## ENCLOSURE 3



### 120 B ST.

year house built: 1994  
owner occupied no / duplex  
county assessed value: \$108,000  
type of flood proofing: flow through  
location: floodplain



# ENCLOSURE 4



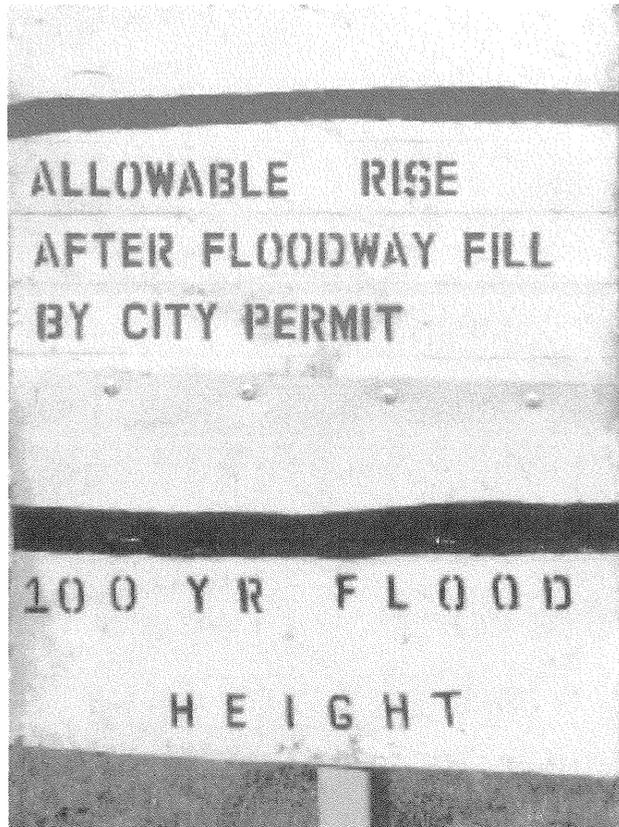
facing southeast  
**SW 6th and WEST A st.**

## **WEST A st. facing west from Salt Creek bridge**

Commercial building on left; built 1983. Commercial building on right; built 2002  
Please notice the difference in elevation or the amount of fill required for building on right.



**enclosure 5**  
**CLOSE UP OF THE SIGN**

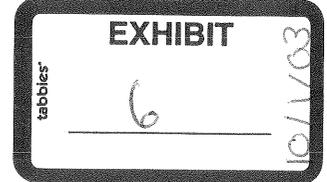


**BLUE LINE**

This is the calculated flood water level (elevation) of the 100 year flood, based on **1978** Corps of Engineers data, which was updated in 1983. This level of flooding has a 1% chance of happening in any given year.

**RED LINE**

This the calculated flood water height (elevation) of the 100 year flood after fill is placed in the flood plain. Fill may be placed in the floodplain to elevate a residential, commercial or industrial facility. This is a procedure under the supervision of the City and requires approval of a permit , however. the permit does not require the quantity of the fill that is being brought in. The amount of fill is limited to that which will not create a resulting rise of flood water greater than 1 foot. This permitted one foot rise is computed on the impact of the permit application but Lincoln does not know the grand total of fill and, therefore, cumulated impact of the fill.



**KENNETH C. WINSTON**

Attorney & Policy Consultant  
1327 H St., Suite 106  
Lincoln, Nebraska 68508  
402-476-6583  
fax 402-476-7834  
kwinston@inebraska.com

October 1, 2003

Members of the Lincoln City Council, Lancaster County Board and Lower Platte South Natural Resources District

RE: Southeast Upper Salt Creek Watershed Plan

Dear Lincoln and Lancaster County Public Officials:

I have been asked to address the issue of potential takings in relation to Plan A by the Bluestem Chapter of the Nebraska Sierra Club. After reviewing the relevant case law, I have come to the conclusion that there is no basis for claiming that approval of this amendment to the Comprehensive Plan would result in a taking of private property.

First, the proposed amendment to the Comprehensive Plan does not impose a mandate on the affected property owners. It merely provides guidance to planners and policy-makers in determining the type and direction of development in the area.

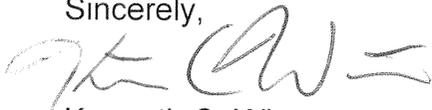
Second, limiting development in the floodplain is clearly within the authority of the government and provides a benefit for the community as a whole. In this instance although Plan A limits development in the floodplain, it does not restrict development of the portions of the properties that are not in the floodplain. The US Supreme Court has held that any takings claim must be evaluated not just by looking at the restricted property, but by considering the property as a whole. In this case the property owners would still have substantial economically beneficial use of their properties. In fact, courts have consistently held that land use regulations that advance legitimate state interests do not cause a taking merely because they result in a reduction in property values. In one case, the court upheld a 90 per cent reduction in value due to a rezoning because the owner had not been deprived of all economically viable uses of his property.

Plan A is the opposite of the case cited above, since it proposes compensation to landowners for the fair market value of the conservation easements. In addition, the property owner would still have access to the property as well as many benefits of the property that can be useful in the development process.

Third, the concept of takings assumes that there will be a reduction in property values. Current experience indicates that green spaces increase property values, particularly if they are part of a residential or office park setting. Most of the more desirable new developments in the Lincoln and Omaha area either seek out existing green spaces and waterways to build around or create new green spaces and waterways. In this instance, Plan A proposes to provide landowners with compensation for doing something that is very likely to increase the value of their property.

I encourage the assembled bodies to adopt Plan A. Your attention is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken C. Winston', with a stylized flourish at the end.

Kenneth C. Winston

# PERSO

Plus  
Some green  
places that can  
help chase away  
the blues  
See Page D2

# JRNAL.

TUESDAY, AUGUST 26, 2003 D1

THE WALL STREET JOURNAL  
PERSONAL HEALTH

## r Mental Health



### Flower Power: How Gardens Improve Your Mental Health

New Science Points to Benefits Of Weeding and Watering; Seeking Horticulture Therapy

By MICHAEL WALDHOLE

STUCK IN AN EMOTIONAL funk after a personal loss, James Mawhinney couldn't muster the enthusiasm to tend his backyard garden in Toronto for three years. But in the spring of one day this past spring, she found herself vigorously weeding again, her spirits slowly blossoming along with a long-concealed blue lupine, a pink and white bleeding heart, several Shasta daisies, and a host of other recovered plants.

few minutes, Dr. Ulrich's research has showed that hospitalized patients with no windows looked out at landscape scenery recovered from surgery more quickly than those without such access. Other studies have found that simply viewing a garden or another natural vista can quickly reduce blood pressure and pulse rate and can even increase brain activity that controls mood-altering feelings.

A growing body of evidence suggests that humans are hard-wired not just to enjoy a pleasant view of nature, but to actually exploit it, much like a drug, to relax and refresh after a stressful experience. Our restless ancestors, Dr. Ulrich theorizes, likely needed a way to swiftly recover from a life-altering experience such as a hunt, a battle or a streak from a wild animal. "We can imagine that those who could look out at the open landscape seeing its safety and tranquillity, and quickly feel calm but also alert to their environment would likely have a survival benefit over others," Dr. Ulrich says.

Scientists have documented this restorative effect in a number of controlled experiments. In

Photo: Tom R. Ross, DC, Orlando, Fla.

Continued From Page D1

the study published in the June issue of the Journal of Environmental Psychology, Terry Hartig and colleagues at the University of California at Irvine measured markedly different physiological, attentional and mood changes in test subjects exposed to natural or urban settings.

In the experiment, 112 young adults were assigned a variety of stressful tasks, including driving to a site they had never visited before. Afterwards, the people who sat in a room with tree views and then walked through a nature preserve showed reduced cortisol, blood pressure and substantially more positive change in their feelings than those who sat in a windowless room and then walked in an area of medium-density urban development.

Some of the changes could be measured within minutes of being exposed to the natural settings, says Dr. Hartig, who is a Uppsala University in Umea, Sweden. He provides advice to several European cities whose planners are considering expanding forested urban forests.

#### 'Immediate Calming Effect'

James Rimmer, 67 years old and retired from publishing, expects an office like this when he returns to his modest country home in Chatham, N.Y. "The sounds, the smells, and the sights have an immediate, calming effect on me, a step out of the city," Mr. Rimmer says.

Many gardeners say they lose track of time while weeding, planting or mulching. "I can and often do garden from sunup to sundown, to the exclusion of many other things in my life," Mr. Rimmer admits. Indeed, as people who move to become environmentalists like Florida's can attest, the biological draw of gardening can be powerfully addictive — though it's clearly a much safer outlet than other addictions.

Many cultures have long understood the life-affirming influences of flora. Henry Thoreau, the early American naturalist, wrote passionately about the impact of nature on humans, emphasizing in his book "Walden." The pioneering landscape architect, Frederick Law Olmsted, understood the need for fatigued urban dwellers to recover their capacity to focus in the context of nature," says Stephen Kaplan, who, along with his wife, Rachel, at the end of the 1960s began how helped found the field of environmental psychology. In the 1950s, Mr. Olmsted articulated his insights in designing New York City's Central Park with its acres of winding walks and natural vistas, as well as a host of other urban parks modeled after it.

"The gardens of the ancient Egyptian

### Green Ways To Lose the Blues

Here are some places to look for healing gardens and therapy sessions. The American Horticultural Therapy Association ([www.ahtra.org](http://www.ahtra.org)) and the Horticultural Therapy Institute ([www.hortinstats.org](http://www.hortinstats.org)) offer opportunities to learn more about the field.

Vertical gardening methods like this at the Chicago Botanic Garden's Backley-Kaufmann Garden not only promote easy tending but also clearly outline planting areas for people with low vision.



INSTITUTION	CONTACT	COMMENT
American Garden Museum	<a href="http://www.americangardenmuseum.com">www.americangardenmuseum.com</a>	Ornate listing of public gardens and garden programs
Chicago Botanic Garden 1000 Lake Cook Rd., Glencoe, Ill.	847-835-8250 <a href="http://www.chicagobotanic.org">www.chicagobotanic.org</a>	Provides therapy services to health agencies and programs to the public
Phipps Conservatory and Botanical Gardens One Schenley Park, Pittsburgh	412-622-6914 <a href="http://www.phippsconservatory.org">www.phippsconservatory.org</a>	Numerous events and classes for public, such as Home Landscaping and The Contemplative Garden
Brooklyn Botanic Garden 1000 Washington Ave., Brooklyn, N.Y.	718-623-7200 <a href="http://www.bbq.org">www.bbq.org</a>	Discovery Garden offers classes and programs for families and schools
Rusk Institute of Rehabilitation Medicine 400 E. 34th St., Manhattan	212-263-6034 <a href="http://www.rushinstitute.org">www.rushinstitute.org</a>	Horticultural therapy for adults and garden education programs for children
Legacy Good Samaritan 1015 NW 22nd Ave., Portland, Ore.	503-413-7711 <a href="http://www.legacyhealth.org">www.legacyhealth.org</a>	Healing garden for patients, visitors and staff

gardeners in Mesopotamia, and the gardens of merchants in medieval Chinese cities indicate that early urban peoples went to considerable lengths to maintain contact with nature," according to Texas A&M's Dr. Ulrich. More recently, Harvard zoologist Edward O. Wilson has written extensively on this natural affinity, which he calls "biophilia" and defines as "a partly genetic tendency for humans to respond positively to nature."

The latest research and writings are serving as the intellectual basis for the relatively new practice of horticultural therapy. Practitioners say their experience shows that gardening can have an especially beneficial mental-health impact because it provides a sense of control, a psychological outlet to stress and anxiety. "It is especially helpful for the patients who are recovering from stroke or other traumas or are learning to live with a diagnosis of mental disability," says Teressa Hazen, who oversees horticultural-therapy programs for Leg-

"For patients who find themselves restricted by a disability, even the simplest gardening experience, such as growing a potted plant from a cutting, gives them a feeling of control," says Ms. Hazen. "Gardening, more than most rehab activities, has the ability to be very distracting," she adds, noting that simply taking people's minds off their problems alleviates pain and depression.

#### 'A Source of Relief'

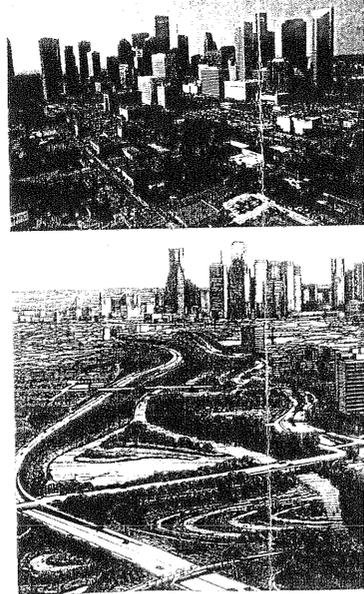
Ms. Hazen recently helped design an award-winning garden in Legacy's Good Samaritan Hospital that has a dual purpose: rehab patients receive therapy in it, she says. But also, many doctors and nurses just come by and sit or stroll or just stand and gaze, maybe just for a few minutes. It's easy to see if you're there, and it's a source of relief."

Now, several city-run botanical gardens are hiring horticultural therapists to run public programs to expose city dwellers to nature's therapeutic benefits.

a range of horticultural-therapy services—including planting, weeding, cultivating, watering and harvesting—both to private health agencies that treat the handicapped and to people who come off the street."

Even some prisons are looking to gardens for relief. The New York Horticultural Society directs one such program called the Greenhouse Project, at New York's Riker's Island facility. Inmate work in the garden, but some have also been allowed out to build gardens in public spaces throughout the city.

Several schools of architecture now have academics on staff who specialize in studying what kinds of gardens are most likely to attract users. "Some hospitals just throw in a few bushes and trees and hope they are accomplishing the wanted effect," says Clare Cooper Marcus, a professor at University of California, Berkeley, who has traveled the world analyzing public in health-care settings. A better garden, she says, "allows people to interact



The Nature Conservancy is conserving 2,000 acres of former farm-land in spunky bottoms to an experimental restoration area. The land, on the west side of the Illinois River in Brown County, had produced "extremely marginal" crops for several years because of flooding and water table saturation, said Michael Reuter, chief conservation officer for the Illinois chapter of the Nature Conservancy.

The nonprofit conservation group is working with the Corps of Engineers, Illinois and other agencies to open the land to flooding. Since the conservancy bought the first 1,100 acres in 1997, 12 species of endangered or threatened wildlife or plants have returned to the property, Reuter said.

## MOVIES

The Flood of 1993 provided the perfect science experiment. More than 1,000 levees failed, allowing the river to reclaim historic channels carved by ancient glacial flow. (Other wildlife also rely on occasional flooding. River ecologist Ken Lubinski said this "flood pulse" triggers the cycle events for many species.

"For turtles, it's when they nest. Herons and great egrets that nest in the tops of flood plain trees come when the river is up and fish in the shallow water for frogs and small fish," said Lubinski, with the U.S. Geological Survey's Upper Midwest Environmental Services Center in La Crosse, Wis.

Migratory birds frequently follow flood plains en route from northern nesting spots to southern wintering places. An estimated 60 percent of the nation's waterfowl pass over the confluence of the Mississippi and Missouri rivers, according to the Great Rivers Habitat Alliance.

Beyond fish and wildlife habitat, undisturbed flood plains act as a natural water purification system. Much in the same way multifaceted flood plains act as a natural water purification system. Much in the same way multifaceted flood plains act as a natural water purification system.

## SPHERE

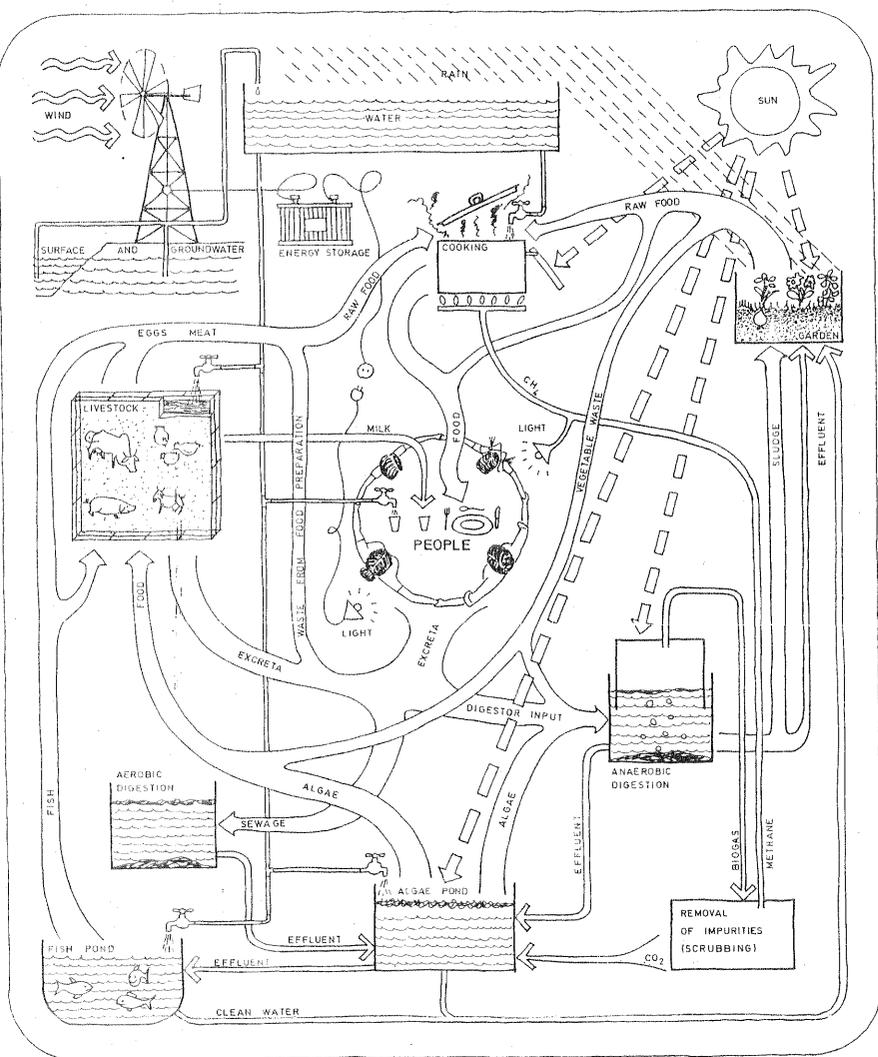


Fig. 2: Operational diagram of an ecosettlement showing alternative procedures for similar functions in order to achieve flexibility.

### How rivers flood

These factors explain why floods seem to have become more devastating over the last 100 years:

#### When rivers run free

On a flood plain unaltered by dikes and asphalt, floodwaters spread slowly

Underdeveloped land absorbs some water, holds the excess until it can drain off

#### Corseled rivers

Rivers are often straightened to increase farming productivity

**Consequence:** Faster river flow

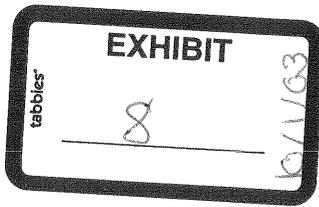
#### Efficient sewer systems put large quantities of rainwater into river very quickly

**Consequence:** River swells too quickly for the excess water to be absorbed naturally

#### Flood plains squeezed by expanding cities and dikes constructed to protect riverside residences

**Consequence:** The natural flood plain where water spreads slowly no longer exists; water runs faster and deeper, stressing dikes and stream

Source: Associate Professor, University of Connecticut, Department of Geology, University of Connecticut, Storrs, Connecticut



# Krueger Development

2929 Pine Lake Road, Suite C  
Lincoln, Nebraska 68516  
Phone 402-423-7377  
Fax 402-423-0536

October 1, 2003

City Council and County Board

Dear Elected Officials:

I regret that I am not able to provide my testimony in person, but I wanted to put the following comments before you. I do not own or have any rights to the affected land within this basin. I am testifying on my own behalf.

I am questioning this basin study because I am not aware of any financial impact analysis that was done in conjunction with it. As I understand the proposal, it removes about 228 acres from the basin that could, under present policies, be developed in some way. The fiscal effect of removing the economic yield from this land should be measured as a part of this study so that you can be better informed as to how this affects the real estate tax receipts. As with any public policy decision there are offsets to be considered. What I am attempting to do with the chart below is to demonstrate what the loss in annual real estate taxes are to the various taxing entities.

Using the average current sales price in Vavrina Meadows multiplied by the number of dwelling units per acre we get the average valuation per acre of developed residential land.  $\$153,000 \times 3.2 = \$489,600$ . Using the value per acre of **\$489,600** we get the following results:

ENTITY	2002 MILL LEVY	COST/ACRE
Lancaster County	0.2683270	\$1,313.73
Public Building Commission	0.0170000	83.23
City of Lincoln	0.3145200	1,539.89
Lincoln Public School	1.2830100	6,281.61
ESU #18	0.0150000	73.44
Lower Platte South NRD	0.0358740	175.64
Railroad Trans. Safety District	0.0219540	107.48
Southeast Community College	0.0655000	320.69
Lancaster County Ag. Society	0.0012400	6.07
Lancaster County Ag. Society JPA	0.0049950	24.45
		-----
		<b>\$9,926.23</b>

FILED  
CLERK'S OFFICE  
OCT 1 PM 3 27  
CITY OF LINCOLN  
NEBRASKA

I have shown this information on a per acre basis because I am not sure that the news report showing 228 acres being removed from the developable area is exactly accurate. However, for purposes of this testimony I am using the amount of land that was reported in the paper. A full-fledged analysis would have been able to better quantify this item.

If the government purchases the property or purchases an easement on the 228 acres the net loss to the above taxing entities based upon the 2002 mill levies and assuming current residential use will be **\$2,263,180.44**, every year.

As this example shows, there will be a net loss of taxable value on this real estate. I suggest that this and all future basin wide studies be required to include a financial impact statement so that the elected officials and the public can be better informed as to what the loss in revenue would be to the community.

Thank you for considering these comments.

Best Regards

A handwritten signature in black ink that reads "Richard C. Krueger". The signature is written in a cursive style with a large initial "R" and "K".

Richard C. Krueger  
President