MINUTES LANCASTER COUNTY BOARD OF COMMISSIONERS TUESDAY, JULY 18, 2006 COUNTY COMMISSIONERS HEARING ROOM, ROOM 112 FIRST FLOOR, COUNTY-CITY BUILDING 9:30 A.M.

Commissioners Present: Deb Schorr, Chair

Bob Workman, Vice Chair

Bernie Heier Larry Hudkins Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer

Bruce Medcalf, County Clerk Kristy Mundt, Deputy County Clerk

Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 9:30 a.m..

1) MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 11, 2006.

MOTION: Workman moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting dated July 11, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

2) SPECIAL PRESENTATIONS:

- A. The County-City Volunteer of the Month Award was presented to Christine Cepuran for her services with Parks and Recreation.
- CLAIMS: Approval of all claims processed through Tuesday, July 18, 2006.

MOTION: Heier moved and Stevens seconded approval of all claims processed through July 18, 2006. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **PUBLIC HEARINGS**:

A. County Special Permit No. 06035, requested by Mark Hunzeker on behalf of Greg Sanford, for authority to excavate soil on a 159-acre site on property generally located on the east side of North 56th Street/Highway 77 between Branched Oak Road and Davey Road in Lancaster County, Nebraska. (See New Business Item 6A for correlating documentation.)

The Chair opened the public hearing and asked if anyone wished to provide testimony in favor of the proposal.

The Clerk administered the oath to Mark Hunzeker, attorney representing Greg Sanford, applicant.

Hunzeker stated the application was originally heard by the Planning Commission on May 10, 2006. The application, he said, involved a grading permit which was different in that it proposed moving more dirt and dirt fill on the site. He stated there was a great deal of opposition which they felt focused on fears the applicant was preparing the site for a drag strip. Hunzeker stated the original application was withdrawn at which time the applicant requested the engineers to revise the plan to accomplish the following:

- ► Reduction in the amount of dirt to be removed from the site from approximately 1.6 million cubic yards to 1.3 million cubic yards
- Design of the finished grading plan reflect the exact same drainage areas and drainage patterns as the land does currently
- No fill on the site

Hunzeker stated it was likely that they would request an extension of the permit prior to its expiration because it's difficult to remove that much dirt from the site and the timing of various projects isn't always such that you get everything removed within the specified period of time. He stated the application was for the extraction of soil only and it is not for approval of any future use other than agriculture. Hunzeker added that the applicant has entered into an agreement with another individual to farm the site while the permit is in effect.

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4) PUBLIC HEARINGS CONTINUED:

Hunzeker reported they have amended the original recommendations of the Planning staff to include recommendations which would bring the proposal into compliance with the City of Lincoln's regulations. He said the State of Nebraska, Department of Roads and the Lancaster County Engineer expressed no concern regarding access to Highway 77, however, the County Engineer has required that the County roads which may be used as access points be maintained by the applicant if any damage occurs.

The Clerk administered the oath to Jeremy Williams with Design Associates.

Williams explained the sediment and erosion control plan noting they would have a rocked entrance off of Branched Oak Road, 12 sediment basins to contain various sub-drainage areas, and diversion dikes around the perimeter to divert run-off.

Workman asked if the long term intentions of the applicant changed from the time the original application was submitted and the present application.

Hunzeker stated the ultimate use of the site after the dirt excavation expires is not relevant to the present discussion, however, the applicant would be interested, at some point, in establishing a race track facility somewhere in Lancaster County. He added that the applicant has no intention on making the application immediately. Hunzeker further commented that the applicant has been contacted by surrounding communities, within a 50 to 75 mile radius of Lincoln, asking him to establish a race track in their community. He stated that the applicant's plans have probably changed to the extent that his is considering the potential track outside of the County.

In response to a question asked by Hudkins regarding dust control, Hunzeker stated it is required by the Natural Resources District (NRD) and the National Pollutant Discharge Elimination System (NPDES) permit to control the dust and maintain cover on areas not under excavation.

The Chair asked if anyone else wished to provide testimony in support of the application.

No one appeared.

The Chair asked if anyone wished to provide testimony in opposition of the application.

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4) PUBLIC HEARINGS CONTINUED:

Opposition

The oath was administered to the following individuals who appeared in opposition and who addressed concerns regarding improper and questionable business practices, avoidance of complete disclosure of the applicant's purpose, noise pollution, land desecration, environmental disruption, traffic problems, access/safety issues, oversight of soil mining permit(s), soil mining regulations, silt, issues regarding drainage, lack of performance bond, removal of agricultural land from active production, decrease in property values, reclamation of land and notification of public hearing to adjacent landowners.

- ► Richard Ronhovde, 10555 North 70th Street, Lincoln, Nebraska
- Gary Juilfs, 8801 Davey Road, Lincoln, Nebraska
- Amy Boren, 15848 North 40th Street, Davey, Nebraska appeared on behalf of Chris Collins, 1805 Davey Road, Davey, Nebraska (Submitted written testimony from Chris Collins Exhibit 1)
- Deborah Boren, 15848 North 40th Street, Davey Nebraska
- Jerry Minchow, 8181 Davey Road, Lincoln, Nebraska
- ► Tom Keep, 8601 Davey Road, Lincoln, Nebraska (Submitted grading plans Exhibit 2)
- Marlene Tracy, 17500 North 84th Street, Lincoln, Nebraska (Submitted copy of motion to amend regarding Special Permit No. 06035 and Motor Sports Task Force-Location Analysis Map -Exhibit 3)
- ▶ Phil Pfeiffer, 15400 North 56th Street, Lincoln, Nebraska
- Ralph Olson, 23333 North 40th Street, Ceresco, Nebraska (Submitted written comments -Exhibit 4)
- ► Clifford Walstrom, 5590 Davey Road, Ceresco, Nebraska
- ► Joni Christensen, 8405 Davey Road, Lincoln, Nebraska
- ► Wayne Nielsen, 14000 North 70th Street, Lincoln, Nebraska
- Martha Minchow, 8181 Davey Road, Lincoln, Nebraska
- ▶ Jessie Blowers, 17850 North 3rd Street, Davey, Nebraska
- Mark Blowers, 17850 North 3rd Street, Davey, Nebraska
- ► Karen Kurbis, 17500 North 84th Street, Lincoln, Nebraska (Submitted a copy of email correspondence with Mike DeKalb, Planning Department, dated July 17, 2006 Exhibit 5) Kurbis also suggested annual inspection fees for soil excavation permits to cover staffing cost for monitoring and the creation of a soil mining task force committee to create regulations and monitoring/enforcement policies.
- Carl Fitzke, 17400 North 84th Street, Lincoln, Nebraska
- ► Gene Petersen, 16900 Northwest 19th Street, Raymond, Nebraska
- ► John Baumgartner, 6030 Davey Road, Lincoln, Nebraska
- ► Katie Shotsman, 1634 North 58th Street, Lincoln, Nebraska
- Precious Blowers, 17850 North 3rd Street, Davey, Nebraska
- Sheila Collins, 1805 Davey Road, Davey Nebraska
- ► Jason Minchow, 7155 North 82nd Plaza, Omaha, Nebraska
- ► Ron Black, 4909 Rock Creek Road, Ceresco, Nebraska

Also submitted into the record was written testimony from Michael Jess (Exhibit 6).

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4) PUBLIC HEARINGS CONTINUED:

The Chair asked if anyone else wished to provide testimony in opposition.

No one appeared.

In response to questions asked by Schorr, Mike DeKalb, Planning Department, addressed oversight with regard to special permits and excavation permits. He stated special permit oversight is on a complaint basis to the Building and Safety Department and added that they also rely on the Nebraska Department of Environmental Quality (NDEQ) and the NPDES permits as well at the Lower Platte South NRD, and the Nebraska Department of Roads. DeKalb stated if the problem isn't corrected the complaint is turned over to the County Attorney's Office for enforcement or it comes back to the County Board as a show cause hearing and the permit can be repealed.

Discussion also took place regarding the Motor Sports Task Force map, notification of landowners, performance bonds and a soil mining task force.

In closing, Hunzeker reiterated that the application was for a mining permit, not a drag strip permit. He stated there is no pre-determined use and they have never denied that the applicant would like to own and operate a race track in Lancaster County. The likelihood of a race track application being made, he stated, is much lower now than when the process began.

The Chair closed the public hearing.

The County Board recessed at 12:25 p.m. and reconvened at 12:31 p.m..

5) **OLD BUSINESS**:

- A. County Change of Zone 04074, from AG Agricultural District to AGR Agricultural Residential District, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska.
- B. County Special Permit 04058, Lakewood Hills Community Unit Plan, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, for nine residential acreage units, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska.

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5) OLD BUSINESS CONTINUED:

- C. County Preliminary Plat 04028, Lakewood Hills, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, for nine residential acreage lots, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska.
- D. County Final Plat 04126, Lakewood Hills, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, for nine residential acreage lots, on property generally located at North 84th Street and Agnew Road in Lancaster County, Nebraska.

The Clerk read Old Business Items 5A through 5D into the record.

The Chair noted no action would be taken on Old Business Item 5D.

Lyle Loth, ESP, appeared on behalf of Robert Lookabaugh, and disseminated a current site plan with general notes (Exhibit 7) indicating they have reached an agreement with John Tvrdy (Exhibit 8) to purchase additional property to allow for construction of a private roadway which will eliminate concerns regarding the rail car bridge. He added that all concerns regarding the County Engineer have also been addressed.

MOTION: Heier moved and Hudkins seconded approval of County Change of Zone No. 04074, County Special Permit No. 04058, and County Preliminary Plat No. 04028.

Kristy Mundt, Deputy County Attorney, indicated Condition 1.3, 1.4 and 1.7 contained in the special permit and preliminary plat are no long applicable based upon the new application. She added that the conditions also reference a letter from the County Engineer, dated November 1, 2004, which will be replaced with an updated letter dated July 12, 2006.

ROLL CALL: Heier, Hudkins and Schorr voted aye. Workman and Stevens voted no. Motion carried.

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6) **NEW BUSINESS**:

A. A resolution in the matter of County Special Permit No. 06035, requested by Mark Hunzeker on behalf of Greg Sanford, for authority to do mining for soil, sand and gravel excavation operation pursuant to Article 13.001(14) of the County Zoning Resolution, on property generally located at North 56th Street (Highway77) between Branched Oak Road and Davey Road in Lancaster County, Nebraska. (R-06-0066)

MOTION: Workman moved and Schorr seconded approval of Resolution 06-0066 in the matter of denying County Special Permit No. 06035, requested by Mark Hunzeker on behalf of Greg Sanford, for authority to do mining for soil, sand and gravel excavation operation pursuant to Article 13.001(14) of the County Zoning Resolution, on property generally located at North 56th Street (Highway77) between Branched Oak Road and Davey Road in Lancaster County, Nebraska. Stevens, Workman and Schorr voted yes. Heier and Hudkins voted no. Motion carried.

B. An application for a Special Designated License from the Lancaster Event Center to provide liquor beverage service relating to live entertainment and a demolition derby for the Lancaster County Fair on Wednesday, August 2, 2006 and Thursday, August 3, 2006 from 5 p.m. to 1 a.m. both days.

MOTION: Stevens moved and Heier seconded approval of an application for a Special Designated License from the Lancaster Event Center to provide liquor beverage service relating to live entertainment and a demolition derby for the Lancaster County Fair on Wednesday, August 2, 2006 and Thursday, August 3, 2006 from 5 p.m. to 1 a.m. both days. Heier, Stevens, Hudkins and Schorr voted aye. Workman voted no. Motion carried.

C. A resolution recommending denial of a Corporate Manager liquor license application for Ronald R. Skoda, Sr. in connection with a Class C (Spirits, Wine, Beer On & Off Sale) liquor license for Ron's Pub, Inc., located at 13940 "O" Street, Suite 8, Lancaster County, Nebraska. (R-06-0067)

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MOTION: Workman moved and Heier seconded approval of Resolution 06-0067 recommending denial of a Corporate Manager liquor license application for Ronald R. Skoda, Sr. in connection with a Class C (Spirits, Wine, Beer On & Off Sale) liquor license for Ron's Pub, Inc., located at 13940 "O" Street, Suite 8, Lancaster County, Nebraska. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

- D. A resolution authorizing the installation of traffic signs at the following locations: (R-06-0068)
 - ► An "Engine Braking Prohibited" sign on South 70th Street 1,000 feet north of Saltillo Road for southbound traffic
 - Directional guide signs on South Folsom Street for the Optimist's Youth Sports complex, one sign north of the entrance drive for southbound traffic and one sign south of the entrance drive for northbound traffic

MOTION: Stevens moved and Heier seconded approval of Resolution 06-0068 authorizing the installation of traffic signs as recommended by the County Engineer. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

E. An agreement with Demars, Gordon, Olson & Zalewski Law Firm for the representation of indigent parents and juveniles in the Separate Juvenile Court of Lancaster County. Term of the agreement is August 1, 2006 to July 31, 2009. The County will pay \$243,000 for the services over the three year term. (C-06-0417)

MOTION: Hudkins moved and Stevens seconded approval of an agreement with Demars, Gordon, Olson & Zalewski Law Firm for the representation of indigent parents and juveniles in the Separate Juvenile Court of Lancaster County. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

F. Supplemental agreement No. 1 with the State of Nebraska, Department of Roads for Project No. BR-3380(4), Waverly Northwest, County Structure A-136. The original agreement was executed by the County on January 9, 2001 and must be supplemented due to a change in State Aid Bridge Funds. All other provisions of the original agreement continue to apply. (C-06-0419)

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MOTION: Heier moved and Stevens seconded approval of supplemental agreement no. 1 with the State of Nebraska, Department of Roads for Project No. BR-3380(4), Waverly Northwest, County Structure A-136. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

G. An agreement with Open MRI of Lincoln, L.L.C. to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and the facility will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30-day termination provision. (C-06-0420)

MOTION: Stevens moved and Workman seconded approval of an agreement with Open MRI of Lincoln, L.L.C. to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

H. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Teammates Project MOAST. The County will receive \$32,733, of which \$2,733 is the County's match share. Term of the grant award is July 1, 2006 to June 30, 2007. (C-06-0418)

MOTION: Heier moved and Stevens seconded approval to accept a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Teammates Project MOAST. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

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I. A group insurance application for Life and AD&D Insurance coverage with Hartford Life and Accident Insurance Company for County employees beginning August 1, 2006. (C-06-0422)

MOTION: Stevens moved and Heier seconded approval of a group insurance application for Life and AD&D Insurance coverage with Hartford Life and Accident Insurance Company for County employees beginning August 1, 2006. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

J. A collaborative agreement between Lancaster County, CenterPointe and Lutheran Family Services to implement the Partners in Empowerment and Recovery (PIER) program, an intensive community-based program working with severe and persistent mentally ill consumers of Lancaster County. Term of the agreement is April 4, 2006 through June 30, 2007. (C-06-0423)

MOTION: Stevens moved and Hudkins seconded approval of a collaborative agreement between Lancaster County, CenterPointe and Lutheran Family Services to implement the Partners in Empowerment and Recovery (PIER) program, an intensive community-based program working with severe and persistent mentally ill consumers of Lancaster County. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

K. An interlocal agreement with the City of Lincoln and Lancaster County, on behalf of the Sheriff's Office, to provide compliance checks with regard to businesses selling tobacco products. The County will receive up to \$2,740 for fiscal year 2007. Term of the agreement is from the date of execution until June 30, 2007. (C-06-0424)

MOTION: Hudkins moved and Workman seconded approval of an interlocal agreement with the City of Lincoln and Lancaster County, on behalf of the Sheriff's Office, to provide compliance checks with regard to businesses selling tobacco products. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

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L. An interlocal agreement with the City of Lincoln and Lancaster County, on behalf of the Sheriff's Office, to provide compliance checks with regard to businesses selling tobacco products. The County will receive up to \$2,740 for fiscal year 2008. Term of the agreement is from the date of execution until June 30, 2008. (C-06-0425)

MOTION: Heier moved and Workman seconded approval of an interlocal agreement with the City of Lincoln and Lancaster County, on behalf of the Sheriff's Office, to provide compliance checks with regard to businesses selling tobacco products. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

M. Recommendation from the Purchasing Agent and the Community Mental Health Center to renew a contract with Physicians Laboratory Services, Inc. for an additional three year period beginning September 1, 2006 and ending August 31, 2009. (C-06-0421)

MOTION: Stevens moved and Hudkins seconded approval to renew a contract with Physicians Laboratory Services, Inc. for an additional three year period beginning September 1, 2006 and ending August 31, 2009. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

N. Request from Bernice Reiser for a refund of real property taxes.

Norm Agena, County Assessor/Register of Deeds, recommended denial of the refund request.

MOTION: Stevens moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the request from Bernice Reiser for a refund of real property taxes. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

- O. Appointments to the Keno Human Services Prevention Fund Advisory Board:
 - Amy Ames to complete the unfulfilled term of Tina Faradella ending on December 31, 2009
 - ► Jane Kinsey to a three year term beginning on January 1, 2007 and ending December 31, 2009

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MOTION: Hudkins moved and Stevens seconded approval of the appointment of Amy Ames and Jane Kinsey to the Keno Human Services Prevention Fund Advisory Board, terms to end December 31, 2009. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

P. Request from Don Herz, City of Lincoln Finance Director, for approval of the Keno Satellite application from Ron's Pub, located at 13940 "O" Street, pursuant to an interlocal agreement between Lincoln and Lancaster County for the operation of a joint Keno lottery.

This item was deferred for one week.

- 7) CONSENT ITEMS: These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:
 - A. Receive and Place on File:
 - 1. Clerk of the District Court's Monthly Report for June, 2006.
 - 2. Lancaster Manor's Monthly Report.
 - 3. Records and Information Management's Monthly Report for June, 2006.
 - B. Setting of public hearings for Tuesday, August 1, 2006 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building:
 - 1. County Change of Zone No. 06030, requested by Civil Design Group on behalf of Monte and Lisa Froehlich, from AG Agricultural District to AGR Agricultural Residential District to allow the development of seven residential acreage lots on approximately 32.84 acres generally located northwest of the corner of South 38th Street and Martell Road in Lancaster County, Nebraska.
 - 2. County Preliminary Plat No. 06006, Ponderoca Crossing, requested by Civil Design Group on behalf of Monte and Lisa Froehlich, to develop seven residential acreage lots on property generally located northwest of the corner of South 38th Street and Martell Road in Lancaster County, Nebraska.

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7) **CONSENT ITEMS CONTINUED:**

- C. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan having met the requirements:
 - ▶ Ashlee R. Dickinson, an employee with Lancaster Manor
 - ► Rachel Kieper, an employee with the County Attorney's Office

MOTION: Stevens moved and Workman seconded approval of the Consent Items. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

8) **ADJOURNMENT**:

MOTION: Stevens moved and Heier seconded adjournment of the Board of Commissioners meeting at 1:05 p.m.. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

Bruce Medcalf	
County Clerk	

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MINUTES LANCASTER COUNTY BOARD OF EQUALIZATION TUESDAY, JULY 18, 2006

COUNTY COMMISSIONERS HEARING ROOM, ROOM 112 FIRST FLOOR, COUNTY-CITY BUILDING IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING

Commissioners Present: Deb Schorr, Chair

Bob Workman, Vice Chair

Bernie Heier Larry Hudkins Ray Stevens

Others Present: Norm Agena, County Assessor/Register of Deeds

Kerry Eagan, Chief Administrative Officer

Bruce Medcalf, County Clerk

Kristy Mundt, Deputy County Clerk

Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 1:05 p.m..

1) MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 11, 2006.

MOTION: Heier moved and Stevens seconded approval of the minutes of the

Board of Equalization meeting dated July 11, 2006. Hudkins, Stevens,

Workman, Heier and Schorr voted aye. Motion carried.

2) ADDITIONS AND DEDUCTIONS:

Approval of 19 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Stevens moved and Heier seconded approval of the additions and

deductions to the tax assessment rolls. Workman, Hudkins, Heier,

Stevens and Schorr voted aye. Motion carried.

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3) MOTOR VEHICLE TAX EXEMPTIONS:

Capital Humane Society
Catholic Bishop of Lincoln
Lincoln Lancaster County Child Guidance Center
Southeast Nebraska Mobile Diagnostic Services, Inc.
Transfiguration, Inc.
Villa Marie School

MOTION: Stevens moved and Workman seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) ADJOURNMENT:

MOTION: Stevens moved and Heier seconded adjournment of the Board of Equalization meeting 1:07 p.m.. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

Bruce Medcalf County Clerk

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