

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, OCTOBER 11, 2011**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

Commissioners present: Deb Schorr, Chair  
Bernie Heier, Vice Chair  
Larry Hudkins  
Jane Raybould  
Brent Smoyer

Others present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Brittany Behrens, Deputy County Attorney  
Cori Beattie, Deputy County Clerk  
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the 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, October 4, 2011.**

**MOTION:** Heier moved and Hudkins seconded approval of the minutes. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, October 11, 2011.**

**MOTION:** Hudkins moved and Smoyer seconded approval of the claims. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

3) **PUBLIC HEARINGS:**

A. **Consideration of changing the land use designation for land in the vicinity of Highway 2 and 148<sup>th</sup> Street from agricultural to commercial/industrial.**

The Chair opened the public hearing.

Heier noted the land use designation should be listed as light industrial rather than industrial.

Ronald Maas, Bennet Planning Commission Chair, was administered the oath. He said the Bennet Planning Commission met on September 28, which was the first opportunity to hear about the proposal. The Commission discussed the issue and unanimously passed a motion to ask for a delay in action on the proposal to designate commercial/industrial as a future land use at the Hwy 2 corridor until the Bennet Planning Commission and Bennet Village Board have ample time to review and consider a response. The Village Board met on October 10; a motion was passed by the Board in opposition to action at that time. Maas requested the County Board delay a final decision.

## **PUBLIC HEARINGS CONTINUED:**

Raybould hoped more details would be provided by the County Board to the Lincoln-Lancaster County Planning Commission so they can communicate with the Village of Bennet and the Bennet Planning Commission.

Heier said a study was done on the Bennet area previously by the Lincoln-Lancaster County Planning Department. A report was submitted to the Board stating Bennet did not want commercial land use on the north side of Hwy 2 but rather on the south side (Exhibit A). He stated this is simply a designation of where commercial and light industrial could take place; it is not a rezoning issue. Maas said the Bennet Comprehensive Plan included the area being discussed and listed the south side of Hwy 2 as possibly being commercial. The Board noted the area being discussed is not in Bennet's one-mile jurisdiction, even though it may have been listed in the plan.

Hudkins said this issue should not have been a surprise to Bennet since the Lincoln-Lancaster County Planning Department visited with Bennet in the past. Maas expressed concerns over access to the area adjacent to Hwy 2. Hudkins said those types of things could be addressed. He asked how much time Bennet would need to review the plan. Maas said the Bennet Planning Commission meets the last Wednesday of the month (October 26) and the Village Board meets the second Monday of the month (November 14). Hudkins asked Maas to keep the County Board apprised as to any decisions made at the meetings.

Schorr confirmed with Maas that he was simply asking for more time to investigate the possible change, not opposing it. She asked her fellow commissioners to respect those wishes. Raybould agreed that further study and input from Bennet would be the best route. She suggested holding the issue until next year. Heier felt if it did not go in the 2040 Comprehensive Plan now, it probably would not go at all.

Ken Halvorsen, Lancaster Rural Water District, was administered the oath. Heier questioned water availability in the area north of Hwy 2. Halvorsen said there is plenty of water service with a five-inch main on the west side, a six-inch main on the south side and a new water tower north of the area with a ten-inch main. Hudkins asked if there was difficulty in accessing rural water service and if there were larger mains than five or six inches. Halvorsen said there are around 1600 individual customers with no waiting list currently. He said the average main size is five or six inches but there are also ten-inch mains. Raybould asked if there would be any challenges to connect to water service in that area. Halvorsen said it would depend on the water requirements, but he did not think anyone considered light industrial would have problems.

Greg Bouvier, local resident, expressed concern over changing the land use designation due to development of acreages in this area. Hudkins asked Bouvier to explain his acreage location and size. He said it is about half a mile from the intersection of Hwy 2 and 148<sup>th</sup> Street and contains 58 acres. Raybould asked when he first heard about this issue and if there was a neighborhood association that was notified. Bouvier said he received a letter a week ago and was not aware of any existing neighborhood association. Heier felt designating the area as commercial/light industrial would benefit those wishing to move to acreages since they would be made aware of possible future land use. In response to Smoyer's inquiry, Bouvier said light, noise and odor pollution were of concern.

Raybould encouraged the other County Commissioners to discuss the issue further without making any decisions.

## **PUBLIC HEARINGS CONTINUED:**

Schorr discussed a letter received from Jim and Jo McGurk in opposition of the proposal (Exhibit B).

Sara Hartzell, Lincoln-Lancaster County Planning Department, was administered the oath. Schorr asked Hartzell to clarify the difference between industrial and light industrial. Hartzell said light and heavy industrial are not distinguished on the map, but language possibly could be added into the business section. Smoyer asked if designating land usage would require the same process as a change of zone. Hartzell said the land use map shows where the appropriate zoning could be but does not change the actual zoning. She said the process would still go through the Planning Commission and the County Board just like any other change. Smoyer asked if anyone has come forward to make changes in this area. Hartzell said an application along Hooper Road did show a small section for business and another application was submitted in the past for a cement plant. Smoyer asked how soon the Board could act in the future if this designation change was not made now. Hartzell said a comprehensive plan amendment could be received any time, but it is encouraged to wait until the annual review process. Raybould confirmed with Hartzell that there would not be an urgency to amend the 2040 Comprehensive Plan now. Hudkins felt it would be beneficial to change the land use designation so people could consider it for business expansion. Raybould said Lancaster County is one of the top growing counties in Nebraska and business is also doing well.

The Chair closed the public hearing.

### 4) **NEW BUSINESS:**

- A. **Direct the Lincoln-Lancaster County Planning Department to begin the process of moving forward with the following:**
  - 1. **Proposed amendments 5B and 6B to the 2040 Comprehensive Plan.**
  - 2. **Change the designation of the Bennet Corner (bounded by S. 148<sup>th</sup> Street on the west, S. 162<sup>nd</sup> Street on the east, Hooper Avenue on the north and Highway 2 on the south) to Commercial and/or Light Industrial.**

Raybould stated she would like to hold the item until details are further developed. She noted the proposal is to strike language in the 2040 Comprehensive Plan, but substitute language has not been developed on the definition of acreage development, the size recommended or the guidelines that need to go through Planning. Raybould said they are waiting on a legal decision and a conflict of interest decision from the Nebraska Accountability and Disclosure Commission. In addition, the Bennet Village Board and Planning Commission have asked the Board to hold the process.

**MOTION:** Raybould moved and Schorr seconded to hold the item.

Smoyer said the minimum lot size of 20 acres is listed in the zoning regulations, not the Comprehensive Plan. If the language were in the Comprehensive Plan, it would need to be changed also. Raybould felt proposed changes should be studied first and then a course of action should be determined.

Brittany Behrens, Deputy County Attorney, said this item would not change the 2040 Comprehensive Plan or zoning resolution. To make changes, a proposal must be submitted to the Planning Director, the Planning Commission must review the proposed change and hold at least one public hearing, and the County Board must review the recommendation from the Planning Commission and hold at least one public hearing. This item starts the review process, and if a change is to be made, the County Board and Planning Commission could work with citizens to craft the language.

## **NEW BUSINESS CONTINUED:**

Schorr felt the item contains narrow language that should be broader, such as “proposed change to the 20 acre rule.” Raybould questioned if Planning would need direction on development of the language for the Comprehensive Plan. Behrens said there is flexibility in the review process to craft the language. Normally the Board proposes language for Planning, but it does not have to be the final language.

Heier noted the Board just received the final 2040 Comprehensive Plan a few weeks ago. Marvin Krout, Planning Director, said there have been four Common meetings, several workshops with the Board and several committee meetings that included members from the Board. Raybould asked if there were any language changes in the pertinent sections of the Comprehensive Plan from 2030 to 2040. Krout said there were a few wording changes, but nothing significant. The rural development regulation of minimum 20-acre lots has been in place since 1979 when the City and County changed the agricultural zone. Krout felt the best time to address these changes would have been last fall when broad changes were being discussed. Since no one expressed interest in changes at that time, this regulation was left the same. Heier asked Krout if anyone asked for changes during the Common meetings. Krout said there was discussion about the Bennet area three years ago and the Board could have disagreed with Bennet’s recommendation at that time. Krout asked the Board to give Planning an expectation of their time frame for any proposals.

**ROLL CALL:** Raybould and Schorr voted aye. Heier, Smoyer and Hudkins voted nay. Motion failed 2-3.

**MOTION:** Heier moved and Smoyer seconded approval to direct the Planning Department to move forward with the issues.

Smoyer said he supported the motion because he would like to see studies done to determine the best options.

Hudkins said he supported the motion because he felt the 20-acre rule should be reviewed. He also felt changing the land use designation for Bennet could benefit their community.

Schorr asked if the Board would consider a friendly amendment so 4A1 would read “study of possible change in the 20-acre rule” and 4A2 would read “study of possible change in the designation of the Bennet corner.” Raybould said she also did not agree with the language. She felt this would rush the amendments without due process. Heier said he was comfortable with his motion as stated. Smoyer said the motion would still allow flexibility in addressing the proposed amendments.

**ROLL CALL:** Heier, Smoyer and Hudkins voted aye. Raybould and Schorr voted nay. Motion carried 3-2.

### **B. A request from Mark Leavitt for a refund of real property taxes.**

Rob Ogden, Chief Deputy County Assessor/Register of Deeds, said Mark Leavitt is requesting a refund of prior year taxes since it was discovered two parcels were valued as irrigated even though they were not; this has been corrected for 2011 and 2012. Ogden stated his office no longer has access to FSA (Farm Service Agency) maps unless the property owner submits them, so property valuation relies on the Assessor’s best inspection. The last inspection took place in 2008, and at that time, the property was thought to be irrigated. This information was placed on the Assessor’s web site and notices were sent to all parcels in 2009. Ogden recommended denial of the refund request.

**NEW BUSINESS CONTINUED:**

Raybould questioned how far back taxes could be refunded. Ogden said clerical errors allow two years plus the current year. However, if someone builds a house without filing permits, the County can go back as far as they want.

Hudkins questioned how long it had been since the County had access to FSA maps and if there would be access to well permits through the NRD (Nebraska Association of Resources Districts). Ogden thought it had been around ten years since there was access to FSA maps; he said they have better access now through the NRD. Hudkins asked when the Assessor's Office was first made aware the land was not irrigated. Ogden said it was late March of 2011.

Heier asked for clarification on why the overpayment could not be refunded. Ogden said an error in judgment does not qualify for a refund, only a clerical error. It is up to the landowner to come forward to correct errors.

**MOTION:** Hudkins moved and Heier seconded denial of the request based on the County Assessor's recommendation. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

**C. Ratification of Resolution R-11-0073 expressing the County's appreciation for the dedicated services of Joan Anderson.**

Schorr noted this resolution was presented to Joan Anderson last week at the City-County Commons Meeting.

**MOTION:** Smoyer moved and Hudkins seconded approval to ratify the resolution. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

**D. A resolution in the matter of striking uncollectible property tax from the tax list. (R-11-0074)**

**MOTION:** Heier moved and Smoyer seconded approval of the resolution. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

**E. A resolution in the matter of establishing a policy of making payments of salaries and reimbursable expenses to Lancaster County employees by electronic funds transfer or a similar means of direct deposit. The policy shall be effective January 1, 2012. (R-11-0077)**

**MOTION:** Hudkins moved and Smoyer seconded approval of the resolution. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

Hudkins noted the County obtained permission from the legislature so the resolution could be passed. Smoyer thanked Senator Colby Coash for carrying the bill.

**F. A resolution authorizing the installation of additional "Well Head Protection Area" signs on Olive Creek Road at the following locations in Lancaster County: 2200 feet west of S. 68<sup>th</sup> Street for eastbound traffic, 400 feet west of S. 68<sup>th</sup> Street for westbound traffic, 600 feet east of S. 68<sup>th</sup> Street for eastbound traffic and 2600 feet east of S. 68<sup>th</sup> Street for westbound traffic. (R-11-0075)**

**NEW BUSINESS CONTINUED:**

**MOTION:** Heier moved and Smoyer seconded approval of the resolution. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- G. **A resolution directing the County Engineer to conduct a study regarding vacating a portion of NW 12<sup>th</sup> Street between W. Raymond Road and W. Branched Oak Road, such portion beginning at a point 575 feet north of the southwest corner of the northwest square, Section 34, Township 12 North, Range 6 East of the 6<sup>th</sup> principal meridian, thence north ending at a point 775 feet north of said southwest corner of said northwest quarter, Lancaster County, Nebraska. (R-11-0076)**

Hudkins asked for clarification on the vacation. Ken Schroeder, County Surveyor, said the vacation is around the bridge; the road will not be open for public use. Hudkins explained this is a dirt road northeast of Raymond where there have been extensive problems with the tiger beetle habitat and the old bridge on the road is rarely used.

**MOTION:** Heier moved and Smoyer seconded approval of the resolution. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- H. **An agreement with the University of Nebraska to allow soil boring tests on West Pella Road east of SW 100<sup>th</sup> Street as part of its work for the Lower Platte South Natural Resources District. There is no cost to Lancaster County. (C-11-0586)**

**MOTION:** Smoyer moved and Hudkins seconded approval of the agreement. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- I. **An interlocal agreement with the Lincoln-Lancaster County Railroad Transportation Safety District (RTSD). The RTSD will provide funding in the amount of \$250,000 for the construction of the South Lincoln Quiet Zone. (C-11-0567)**

**MOTION:** Raybould moved and Smoyer seconded approval of the agreement. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- J. **A recommendation from the Purchasing Agent to award a contract to Seminole Energy Services at a total estimated cost of \$64,000 for the supply of natural gas to various County departments. (B-11-0034)**

Bob Walla, Assistant Purchasing Agent, said this is for the gas supply, not the pipeline or meters, and should save the County around 29% on the gas bill. Term of the agreement is only for one year so options can be reviewed for purchasing natural gas. He said a task force will be formed to determine what is in the best interest of the City, County and Public Building Commission.

**MOTION:** Smoyer moved and Hudkins seconded approval of the recommendation. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- K. **A contract between Jacobsen Fire Equipment and Lancaster County for fire system inspection services at the Youth Services Center. The County will pay for services according to the pricing in the contractor's proposal. Term of the contract is one year from the date of execution. (C-11-0568)**

**NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Raybould seconded approval of the contract. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- L. **An amendment to County Contract C-11-0406 between Sapp Brothers Petroleum, Lancaster County and the City of Lincoln for the annual supply of lubricants for the County Engineering shop. The amendment changes product pricing in accordance with Attachment A. (C-11-0577)**

**MOTION:** Heier moved and Smoyer seconded approval of the amendment. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- M. **An amendment to County Contract C-08-0537 between All Makes Office Equipment Company, Lancaster County and the City of Lincoln for the annual requirements of office seating. The amendment renews the contract for the final one-year term from October 14, 2011, to October 13, 2012. (C-11-0578)**

**MOTION:** Raybould moved and Hudkins seconded approval of the amendment. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- N. **An amendment to County Contract C-08-0538 between AOI Corporation, Lancaster County and the City of Lincoln for the annual requirements of office seating. The amendment renews the contract for the final one-year term from October 14, 2011, to October 13, 2012. (C-11-0579)**

**MOTION:** Heier moved and Raybould seconded approval of the amendment. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- O. **An amendment to County Contract C-08-0539 between Office Interiors & Design, Inc., Lancaster County and the City of Lincoln for the annual requirements of office seating. The amendment renews the contract for the final one-year term from October 14, 2011, to October 13, 2012. (C-11-0580)**

**MOTION:** Hudkins moved and Smoyer seconded approval of the amendment. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- P. **An amendment to County Contract C-08-0540 between Sheppard's Business Interiors, Lancaster County and the City of Lincoln for the annual requirements of office seating. The amendment renews the contract for the final one-year term from October 14, 2011, to October 13, 2012. (C-11-0581)**

**MOTION:** Raybould moved and Smoyer seconded approval of the amendment. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- Q. **An amendment to County Contract C-08-0541 between Spaces, Inc., Lancaster County and the City of Lincoln for the annual requirements of office seating. The amendment renews the contract for the final one-year term from October 14, 2011, to October 13, 2012. (C-11-0582)**

**NEW BUSINESS CONTINUED:**

**MOTION:** Raybould moved and Smoyer seconded approval of the amendment. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- R. **An electronic recording approved procedures agreement between Simplifile and Lancaster County for electronic filing/recording of records with the Lancaster County Register of Deeds. There is no cost to the County. The agreement is effective upon execution and has a 30-day termination provision. (C-11-0569)**

Scott Gaines, Deputy County Assessor/Register of Deeds, said the agreement is with an electronic recording third party vendor that will submit documents for recording. He explained it is the first of three steps – the first two agreements are with vendors supplying the recording service and a third agreement will be for slight modification to the software which involves nominal costs.

**MOTION:** Hudkins moved and Raybould seconded approval of the agreement. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- S. **A grant contract in the amount of \$150,000 from the Lancaster County Visitors Improvement fund from Lancaster County, grantor, to Lincoln Parks and Recreation Foundation, grantee, for the improvement of the Sherman Field Complex. (C-11-0570)**

**MOTION:** Smoyer moved and Raybould seconded approval of the contract. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- T. **A grant contract with El Centro de Las Americas to provide funding in the amount of \$38,190 for the Golden Warriors Program. El Centro de Las Americas will provide \$15,633 in matching funds. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0583)**

**MOTION:** Raybould moved and Heier seconded approval of the contract. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- U. **A grant contract with CASA for Lancaster County in the amount of \$25,000 to provide funding for the court appointed advocates program. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0584)**

**MOTION:** Hudkins moved and Raybould seconded approval of the contract. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- V. **An agreement with New West Orthopedic and Sports Rehab 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 New West Orthopedic and Sports Rehab 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-11-0571)**



**NEW BUSINESS CONTINUED:**

**MOTION:** Smoyer moved and Heier seconded approval of the agreement. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- W. **An agreement with Rustad Dermatology 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 Rustad Dermatology 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-11-0572)**

**MOTION:** Hudkins moved and Raybould seconded approval of the agreement. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- X. **Amendment #1 to County Contract C-11-0214, an intercompany IT services agreement between Southeast Nebraska Behavioral Health Information Network, d/b/a the Electronic Behavioral Health Information Network (eBHIN) and Lancaster County, on behalf of the Community Mental Health Center. The amendment provides new Attachments A, B and C. (C-11-0585)**

**MOTION:** Raybould moved and Heier seconded approval of the amendment. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- Y. **A political subdivision tort claim filed against Lancaster County Corrections by Charles M. Lynch for lost property in the amount of \$109.99.**

**MOTION:** Heier moved and Hudkins seconded denial of the tort claim based on the department director's recommendation. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- 5) **CONSENT ITEMS:** *These are routine business items that 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. **Right-of-way contracts between the County Engineer and the following:**
1. **Timothy and Brenda Lieske, in the amount of \$2,800, located at 1911 S. 98<sup>th</sup> Street; Project C5-KP-412(1) (C-11-0573)**
  2. **Marvin and Doris Hall and Linda Tesarek, in the amount of \$4,732.50, located at 14100 Havelock Avenue; Project C55-J-403(2) (C-11-0574) (C-11-0575)**
- B. **Leasehold contracts between the County Engineer and Dean Smith, in the amount of \$20, located at S. 98<sup>th</sup> Street and A Street; Project C55-KP-412(1). (C-11-0576) (C-11-0587)**

**CONSENT ITEMS CONTINUED:**

- C. **Receive and place on file the following monthly reports for September 2011:**
1. **County Clerk**
  2. **County Assessor/Register of Deeds**
  3. **Clerk of the District Court**
  4. **County Information & Records Management**

**MOTION:** Hudkins moved and Raybould seconded approval of the consent items. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- 6) **PUBLIC COMMENT:** Those wishing to speak on items relating to County business not on the agenda may do so at this time.

No one appeared for public comment.

7) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, October 13, 2011, at 9:00 a.m. in Room 113 on the first floor of the County-City Building.**
- B. **The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, October 18, 2011, at 4:00 p.m., in Room 112 on the first floor of the County-City Building, with the Board of Equalization meeting immediately following.**
- C. **A joint City Council/County Board public hearing will be held on Tuesday, October 18, 2011, at 5:00 p.m. in Room 112 on the first floor of the County-City Building regarding the 2040 Lincoln-Lancaster County Comprehensive Plan.**
- D. **The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday and Saturday on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on Nebraska On Demand Time Warner Channel 411 and on the internet at [www.lancaster.ne.gov](http://www.lancaster.ne.gov). Click on 5 City-TV Video on Demand.**
- E. **The County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).**

8) **ADJOURNMENT**

**MOTION:** Smoyer moved and Heier seconded to adjourn the Board of Commissioners meeting at 10:55 a.m. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

  
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Cori R. Beattie  
Lancaster County Deputy Clerk



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, OCTOBER 11, 2011**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**IMMEDIATELY FOLLOWING THE LANCASTER COUNTY**  
**BOARD OF COMMISSIONERS MEETING**

Commissioners present: Deb Schorr, Chair  
Bernie Heier, Vice Chair  
Larry Hudkins  
Jane Raybould  
Brent Smoyer

Others present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Brittany Behrens, Deputy County Attorney  
Cori Beattie, Deputy County Clerk  
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:55 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 4, 2011.**

**MOTION:** Hudkins moved and Smoyer seconded approval of the minutes. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- 2) **ADDITIONS AND DEDUCTIONS: Approval of six additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

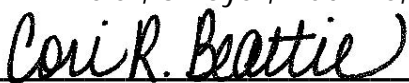
**MOTION:** Heier moved and Smoyer seconded approval of the additions and deductions. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- 3) **CERTIFICATION OF 2011-2012 TAX LEVIES**

**MOTION:** Heier moved and Smoyer seconded approval of the tax levies. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- 4) **ADJOURNMENT**

**MOTION:** Heier moved and Smoyer seconded to adjourn the Board of Equalization meeting at 10:57 a.m. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

  
\_\_\_\_\_  
Cori Beattie  
Lancaster County Deputy Clerk





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Michael V Dekalb/Notes  
12/03/2008 10:39 AM

To Commish/Notes@Notes  
cc Marvin S Krout/Notes@Notes, Kent R Morgan/Notes@Notes  
bcc  
Subject Bennet Corner subarea study

Dear Commissioners

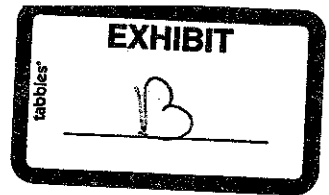
At yesterday's meeting two of you noted the Planning Department had not done a requested study at the Bennet Corner. Please let me note my understanding of what was requested and what was done.

After a prior change of zone, the County Board said this looked like a natural for commercial development and asked the Planning Department to take a look at it. We said we would work with Bennet on this issue. Our staff did make an offer to work with the village to re-look at the intersection and assist them in updating their Plan. After several offers and at least one meeting, Bennet declined our offer. Last summer, Board member Schorr followed up on this and set a meeting with Planning staff, and the Mayor and Planning Commission of Bennet. At that meeting, Bennet said they were not supportive of any change other than what they had shown and approved in their 2005 Bennet Comprehensive Plan, ie, commercial on the two south quadrants and agriculture around that. I would also note the Village of Bennet sent a letter of "no oppositions" to the Fletcher change of zone.

With that expression of intent from the Village, staff have not initiated any additional changes to the Plan. As noted at your meeting, the Fletcher change of zone will be reflected in the next Plan update and shown as "yellow". Because this approval does set the stage for additional requests in the immediate area to AGR, or other districts, some level of re-evaluation is appropriate during the Plan update.

I did want to bring to your attention that I do not believe that Planning staff dropped the ball looking at the Bennet Corner but after being told no change was wanted by Bennet, no further action was taken. Perhaps that was poorly communicated to the Board and my apologies to you all for that.

GT/KPE/CB



October 11, 2011

RECEIVED

OCT 10 2011

Marvin Krout, Director  
Lincoln/Lancaster County Planning Dept.  
555 South 10<sup>th</sup> St  
Lincoln, NE

Lincoln/Lancaster Co.  
Planning Department

CC: Lancaster County Commissioners

In regard to proposed change to the draft Future Land Use Map re: South 148<sup>th</sup> to 162<sup>nd</sup>, from Hwy.2 to Hooper Road ½ mile north, we are opposed to a change from agricultural use to commercial and industrial.

We bought our property directly west, across 148<sup>th</sup> St. in the 60's, and that is where we lived and raised our family. Our youngest son currently lives there.

We have been told our property, in the middle to the north, is on the highest spot in Lancaster County. And, it has wonderful views, from sunrise to sunset.

We suffered enough when we lost our battle with OPPD, who ended up taking out our entire north windbreak of historic trees, to put in their new line. Now, we get huge drifts of snow all around our farm buildings and driveways as a result.

Please do not change the zoning across the road to the east of us. Why ruin such a wonderful spot? The sunrises and sunsets are phenomenal.

There are many properties in the vicinity that have been for sale for years. Especially, to the west of us. Please consider those.

Please save and protect the highest spot, and some of the most peaceful and and scenic landscapes in Lancaster County.

Thank you.

*Jim McGurk*  
Jim & Jo McGurk

42 Back River Rd.

Jelm, WY 82063-9210