

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 3, 2012
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.**

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on March 27, 2012.

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

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, 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, March 27, 2012.**

MOTION: Hudkins moved and Smoyer seconded approval of the minutes. Hudkins, Raybould, Smoyer and Schorr voted aye. Heier abstained. Motion carried 4-0 with one abstention.

2) **CLAIMS: Approval of all claims processed through Tuesday, April 3, 2012.**

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

3) **PUBLIC HEARINGS:**

A. **A Class C liquor license application from Hillcrest County Club, 9401 O Street, Lincoln, Lancaster County, Nebraska.**

The Chair opened the public hearing.

Andy Reetz, Hillcrest Country Club, was administered the oath. He said Hillcrest currently holds a Class I license but would like to switch to a Class C license so they can sell wine to members to take home. In response to Schorr's question, Reetz said wine bottles would be sold unopened. In response to Hudkins' question, Reetz said employees are not required to take hospitality training, but he would look into it.

PUBLIC HEARINGS CONTINUED:

The Chair announced the public hearing would be held open one week.

- B. Automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, for which the County Clerk has received no protests.**

The Chair opened the public hearing. Since no one appeared to testify, the Chair announced the public hearing would be held open one week.

4) NEW BUSINESS:

- A. A special events permit application from Nebraska Sports Council to hold the Mud Run on August 25, 2012, at the Lancaster Event Center.**

Dave Mlnarik, Nebraska Sports Council Director, said the sixth annual event would be capped at 2,000 runners. The course is run mostly on the Event Center grounds with a portion on County roads.

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

- B. A special events permit application from Phi Delta Theta to hold a run from Lincoln to Omaha on April 15, 2012.**

Terry Wagner, County Sheriff, said this event has been run in the past and his office has the same recommendations as for similar events.

Tom Fox, Deputy County Attorney, said the County Engineer's letter indicates the route goes through the City of Lincoln and along State Highway 6, so it does not involve County roads.

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

- C. A request for a refund of 2011 personal property tax for Scott Block.**

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended approval of the refund request. He said two items were erroneously reported that had been traded off prior to January 2011.

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

- D. A request for a refund of 2010 and 2011 personal property tax for Women's Clinic of Lincoln.**

Scott Gaines recommended approval of the refund request. He said an item was dually reported by the lessor and lessee.

NEW BUSINESS CONTINUED:

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

- E. **Authorization for release of escrow funds to Lancaster Manor Real Estate, LLC, in the amount of \$271,724. (C-12-0165)**

MOTION: Heier moved and Smoyer seconded approval to release the escrow funds. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- F. **A resolution authorizing execution of Supplemental Program Agreement No. 1 with the Nebraska Department of Roads for replacement of County Bridge T-108, located on W. Sprague Road between SW 14th Street and SW 2nd Street. The County will pay 10% of the project cost, approximately \$90,353; Project BR-3280(4) – Sprague East. (R-12-0026) (C-12-0158)**

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

- G. **A resolution authorizing execution of Supplemental Program Agreement No. 1 with the Nebraska Department of Roads for replacement of County Bridge M-127, located on NW 98th Street at W. Holdrege Street. The County will pay 10% of the project cost, approximately \$92,813; Project BRO-7055(102) – Malcolm Southeast. (R-12-0027) (C-12-0159)**

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

- H. **A recommendation from the Purchasing Agent and the County Engineer to award a contract to Nebraska Machinery Company, Inc., in the amount of \$177,525 for a track loader. (B-12-0014)**

Don Thomas, County Engineer, explained that parts for the machine currently being used are difficult to find.

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

- I. **A recommendation from the Purchasing Agent and the County Sheriff to issue an order to Anderson Auto Group in the amount of \$22,478 for a 2012 Ford E-350 cargo van from State of Nebraska Contract 13120 OC. (B-12-0015)**

Terry Wagner said this van would replace one with high miles. It includes a removable insert which would allow for simultaneous transport of male and female prisoners. He confirmed the purchase was in the Sheriff's budget and another high-mile van would be retired for use by another County department.

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

NEW BUSINESS CONTINUED:

- J. **An amendment to County Contract C-11-0199 with Swarco Reflex, Inc., for the annual supply of glass pavement marking beads. The amendment renews the agreement for an additional one-year term from February 29, 2012, to February 28, 2013. (C-12-0160)**

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

- K. **An amendment to County Contract C-11-0632 with Cable Guyz for fiber and cable supply and installation at the new Lancaster County Correctional Facility. The amendment changes the completion date of the project to May 15, 2012. (C-12-0161)**

MOTION: Raybould moved and Heier seconded approval of the amendment.

Hudkins expressed concern over the completion date. He suggested amending the project date to May 1. Tom Fox explained that Cable Guyz has already signed the document with the May 15 date, so a new agreement would need to be completed. Heier withdrew his second to the motion so the item could be further discussed.

- L. **A political subdivision tort claim filed against Lancaster County Corrections by Jacob M. Pane for lost property in the amount of \$1,138.50.**

Jacob Pane appeared to discuss his claim. He felt the County should be responsible for his towing bill and parking ticket since Corrections lost his car key, which resulted in the inability to move his car prior to the ticket and towing.

Tom Fox said the County is paying half the tow cost and half the parking ticket, which accounts for the increased recommended amount from \$641.55 to \$699.53.

Hudkins questioned if Pane had a second set of keys for his vehicle. Pane said he thought the car originally came with two sets of keys but he did not have a second set at this time. Hudkins said most cars have a second set of keys and felt the County was offering a good will gesture by paying half the towing and parking ticket.

Raybould noted it was standard to figure depreciation on items, such as the cell phone.

MOTION: Heier moved and Raybould seconded approval of the tort claim in the amount of \$699.53 per the department director's recommendation. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- M. **A request from Bo Jones, President of Tru-Built Construction, for temporary access from Pester Ridge Road to the lot located at 6655 Coddington Avenue, Parcel ID 09-16-300-003-000 for the purpose of constructing a home.**

The Clerk noted emails received in opposition of the barricade removal (Exhibit A) and pictures were submitted by Ken Schroeder, County Surveyor, of the construction area (Exhibit B).

NEW BUSINESS CONTINUED:

Bo Jones said he is requesting "rainy day" access off Pester Ridge Road to the property where Tru-Built is constructing a home. Currently he has permit access from Coddington Avenue; however, part of the temporary drive installed is a small levy which acts as a tilt stop on the north side. The roadway sits about four feet higher in elevation than the ground around it and is all loose fill. Because of this, the ground very easily becomes soft, which could become unsafe for construction vehicles crossing it. He asked for access from Pester Ridge Road to be used on days that he deems the levy unsafe to travel.

Schorr questioned how long Jones would need access from Pester Ridge Road and if this would be a reoccurring issue as future homes were built. Larry Geiger, Geico Development, Inc., said he was moving forward with the development by applying for a change of zone; there would be six lots developed including his own. Geiger confirmed that an access road would be built prior to any additional construction and that it would be built to County standards. He said he was ready to start construction as soon as it was approved.

Smoyer asked if there would be any guarantee construction vehicles would not use the Pester Ridge Road access even when it was not muddy. Jones said the closest access was from Coddington; no one would know to use Pester Ridge Road unless told to do so. He agreed he could determine when it was a "rainy day." Geiger said he would be able to check on the barricades since he lives in the area. He explained the layout of future lots and access to the properties.

Heier questioned extending Pester Ridge Road to the property and Schorr questioned using a cul-de-sac. Schroeder said this spot is a temporary dead end with the intention of opening it if final platting is approved for the development. It is not an access point since there is no road frontage. Schroeder said a cul-de-sac bulb could be placed there to allow access, but Geiger said the time it takes to construct a cul-de-sac would be a problem.

Tom Fox said it becomes an issue for the County if the road is wet and trucks damage the road. If the County wants to grant access, he recommended drafting an agreement to give authority to the County Engineer's Office to determine when construction vehicles could use Pester Ridge Road, including an end date.

Dorothy Klein, 2401 Pester Ridge Road, felt Pester Ridge Road had already been abused by construction vehicles and it should be the land developer's responsibility to install a road for construction. She noted the original residents of Pester Ridge Estates had to pay for Pester Ridge Road. Hudkins discussed with Klein the transfer of Pester Ridge Road to the County. Later Klein noted a distance of eight blocks to access the property via Pester Ridge Road and only two and a half blocks from Coddington.

Amy Chandler, 6400 SW 25th Street, said Geiger should build his own road off Coddington for the construction. She questioned how his building could start without the plat being approved. Heier asked how many lots have houses. Chandler said there are 13 property owners in her development.

Harry Heafer, 2200 Pester Ridge Road, expressed concern over the excess traffic causing damage. He discussed pictures of the construction area (Exhibit C). Heafer questioned the time frame for building an access road for the new acreages. Later Heafer discussed the plans for acreages with a County road being added to connect with Pester Ridge Road. He felt the road should be constructed first.

Raybould questioned what had been approved for property access. Schroeder discussed the current layout of the property, noting development plans have not been formally presented yet.

NEW BUSINESS CONTINUED:

Hudkins asked if a driveway request from Pester Ridge Road would have been granted. Schroeder said not without road frontage. Fox added that zoning regulations state the definition of road frontage. In this case, Coddington provides the required road frontage. Schroeder said, since it is within the City's three-mile jurisdiction, it is possible they would not have to build the road to approve the final plat. It could simply be on the promise to build the road.

Don Thomas felt this should not be the County's issue since it was not the first time someone has constructed a home and had to use a dirt driveway.

Jones said Pester Ridge Road was never an access option, although it would have been his first choice. He said it would have been a huge expense to build the temporary road sturdier for the large equipment. Geiger added that the foundation was poured by trucks using the normal entry. Pester Ridge Road was used when the footings were poured because of the soft mud on the Coddington drive. Once the ground was firm enough, they went back to the Coddington entrance. Geiger said the road was built to a standard thought to be strong enough to hold, but the lack of frost this winter pulled out less moisture. Geiger discussed all the employment his construction project provides.

Heier asked if there was any liability to the County if the barricade was removed and Hudkins asked if the Board had the authority to do so. Fox said the County road should be protected by putting everything in writing so all the details are clear. He said he would need to look into the liability issue.

Schorr asked Schroeder if he would want responsibility for determining when it is a "rainy day". Schroeder said he still does not consider it an access point, but the Board could direct him as they see fit.

Raybould agreed a clear agreement should be crafted, taking into consideration the neighbors' concerns and working with the County Engineer's Office. Schorr said it should be stated for temporary construction of this home only. Hudkins agreed a temporary agreement and a hold harmless agreement should be done. Smoyer felt the agreement should be in place before moving forward.

MOTION: Smoyer moved and Raybould seconded to direct the County Attorney to prepare an agreement and a hold harmless clause. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

Heier felt money should be put down upfront for road repair on Pester Ridge Road. Geiger agreed a bond would be appropriate.

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. **Anthony and Leah Clarke, in the amount of \$667.50, located at 12855 N. 40th Street; Project CP-G-44. (C-12-0162)**
2. **Larry and Christi Eigbrett, in the amount of \$1,105, located at 15701 S. 82nd Street; Project C55-S-404(4). (C-12-0163) (C-12-0164)**

CONSENT ITEMS CONTINUED:

B. Receive and place on file the following:

- 1. Lancaster County, Nebraska, financial statements with supplemental information and accompanying independent auditors' reports for year ended June 30, 2011**
- 2. Lancaster County, Nebraska, report to the Board of Commissioners related to the auditors' report**

MOTION: Hudkins moved and Smoyer seconded approval of the consent items. Raybould, Heier, Smoyer, Hudkins 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.

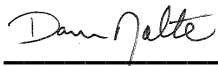
No one appeared for public comment.

7) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, April 5, 2012, at 8:30 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, April 10, 2012, at 9:30 a.m., in Room 112 on the first floor of the County-City Building.**
- C. 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. Click on 5 City-TV Video on Demand.**
- D. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.**

8) ADJOURNMENT

MOTION: Heier moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 11:05 a.m. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 3, 2012
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING**

Advance public notice of the Board of Equalization meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on March 27, 2012.

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

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, 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 11:05 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 27, 2012.**

MOTION: Smoyer moved and Raybould seconded approval of the minutes. Hudkins, Raybould, Smoyer and Schorr voted aye. Heier abstained. Motion carried 4-0 with one abstention.

2) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS (See attached additions and deductions)**

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

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

Lincoln Church of Christ
Lincoln Lutheran School Association
Mid-America Union Conference of Seventh-day Adventists
Priestly Fraternity of St. Peter

MOTION: Heier moved and Hudkins seconded approval of the motor vehicle tax exemption applications. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

4) **NOTICE OF TAXABLE STATUS:**

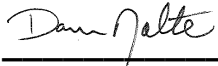
City of Lincoln

Scott Gaines, Deputy County Assessor/Register of Deeds, said the property was recently acquired by the City. It will not be used for public purpose, so the property will remain on the tax roll.

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

5) **ADJOURNMENT**

MOTION: Raybould moved and Heier seconded to adjourn the Board of Equalization meeting at 11:08 a.m. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



A

The following people have submitted a letter in opposition of the barricade removal on Pester Ridge Road.

1. Dan Howell
2. Corey Berger
3. Deb and Bill Burbach
4. Harry and Karen Heafer
5. Amy Chandler
6. Dorothy Klein
7. Bruce & Cheryl Petersen
8. Christopher Petersen
9. Dennis and Nancy Borchers
10. Kevin Kneifl

Angela C. Zocholl

From: Cori R. Beattie
Sent: Monday, April 02, 2012 7:09 AM
To: Angela C. Zocholl
Subject: FW: Request by Larry Geiger to remove barrier on Pester Ridge Road

For the record; related to Item 4M.

"Have a great day!!"

Cori Beattie
Lancaster County Deputy Clerk
555 S. 10th Street, Room 108
Lincoln, NE 68508
Phone: 402-441-7488

-----Original Message-----

From: Kerry P. Eagan
Sent: Monday, April 02, 2012 7:09 AM
To: Dan F. Nolte; Cori R. Beattie
Subject: FW: Request by Larry Geiger to remove barrier on Pester Ridge Road

-----Original Message-----

From: Daniel Howell [<mailto:dbh@NebrWesleyan.edu>]
Sent: Sunday, April 01, 2012 8:16 PM
To: Kerry P. Eagan; Commish
Subject: Request by Larry Geiger to remove barrier on Pester Ridge Road

I oppose the proposal to remove barriers from Pester Ridge Road. This little-used street is lined with houses and the dust and nuisance of construction traffic to Mr. Geiger's construction site would be considerable. The area where he is building a house is to be sold off as three-acre lots, and the logical path for construction-related traffic is the access road off of Coddington that already exists. If it needs further gravel applied to take care of Mr. Geiger's traffic then it will need it for the later construction traffic as well. Why not get it over with?

Dan Howell
6741 SW 25th Street
Pester Ridge Estates
Lincoln NE 68523

Angela C. Zocholl

From: Cori R. Beattie
Sent: Monday, April 02, 2012 7:01 AM
To: Angela C. Zocholl
Subject: FW: Larry Geiger Petition 9:30 a.m. April 3rd

For the record; related to Item 4M.

"Have a great day!!"

*Cori Beattie
Lancaster County Deputy Clerk
555 S. 10th Street, Room 108
Lincoln, NE 68508
Phone: 402-441-7488*

From: Kerry P. Eagan
Sent: Sunday, April 01, 2012 10:59 AM
To: Dan F. Nolte; Cori R. Beattie
Subject: FW: Larry Geiger Petition 9:30 a.m. April 3rd

From: Cojacama@aol.com [<mailto:Cojacama@aol.com>]
Sent: Saturday, March 31, 2012 5:19 PM
To: Kerry P. Eagan; Commish
Subject: Larry Geiger Petition 9:30 a.m. April 3rd

This letter is addressing the petition from Larry Geiger to permanently remove existing road barricade from the East end of Pester Ridge Road in order to facilitate construction access for Mr. Geiger's development of three building sites on the corner of S. Coddington and West Pleasant Hill Road.

Mr. Geiger has started construction on his residence, address of 6635 S. Coddington, and has taken advantage of a temporary removal of said barricade by LES to bring excavation equipment, foundation forming equipment and concrete trucks through an unapproved access from the end of Pester Ridge Road onto his property. The subsequent heavy truck traffic from unsurfaced fields of wet heavy clay has left our roads in need of mud removal and rock and gravel supplementation at the cost of the County Road Department.

This is the first of three proposed building sites and Mr. Geiger has expressed a concern that his access road off Coddington is 'unsafe' because of lack of compaction on his road bed and loss of rock due to the heavy truck traffic diving the rock on his lane into the ground, thus forcing him to put extra tonnage of rock and gravel to support his traffic.

The developers of Pester Ridge Estates (and subsequent landowners, through passed on development costs to lot prices) had to pay for properly graded, compacted and surfaced roadways built to county specifications and minimum tonnage requirements for rock and gravel installed, before county maintenance could begin. Mr Geiger should be held to the same set of guidelines for his development as we were held to ours, instead of having the county pick up the costs of maintaining the damage to roadways caused by his development.

OR
build and use his own approved access as he sees fit to build.

As I mentioned before this is the first of three building sites and only the first month of a three to six month project. The remaining phases of construction, i.e. well drilling, grading, framing, concrete flatwork, HVAC, drywall and numerous other subcontractors, all with numerous heavy truck traffic and countless small vehicle traffic will no doubt ten fold the damage and inconvenience caused to our development for the gains and profits of Mr. Geiger, especially if he does not provide adequate driving surfaces and parking areas for his current construction site and those in the future.

Mr. Geiger should be bound to have any and all development access from his county accepted entrance to his property at 6635 S. Coddington or his proposed access off of W. Pleasant Hill Road and be ordered to cease and desist using access from Pester Ridge Road and not take advantage of the residents of Pester Ridge Estates and county road maintenance department to repair the damage he will surely cause.

Respectfully,
Corey D. Berger
6701 S.W. 25th Street
402-421-6251
cojacama@aol.com

Angela C. Zocholl

From: Cori R. Beattie
Sent: Monday, April 02, 2012 7:00 AM
To: Angela C. Zocholl
Subject: FW: Proposed access road from Pester Ridge Road

For the record; related to Item 4M.

"Have a great day!!"

*Cori Beattie
Lancaster County Deputy Clerk
555 S. 10th Street, Room 108
Lincoln, NE 68508
Phone: 402-441-7488*

From: Kerry P. Eagan
Sent: Sunday, April 01, 2012 10:56 AM
To: Commish
Cc: Dan F. Nolte; Cori R. Beattie
Subject: FW: Proposed access road from Pester Ridge Road

From: DebiGayle@aol.com [<mailto:DebiGayle@aol.com>]
Sent: Saturday, March 31, 2012 7:11 PM
To: Kerry P. Eagan
Subject: Proposed access road from Pester Ridge Road

Dear Mr. Eagan

It has come to our attention that Larry Geiger wants to enter his new development on Cottington by removing the barricades on Pester Ridge Road by making that an access road. We are against it because he has put a road leading into his acres off Cottington and does not want to route his construction traffic through it because he doesn't want to pound his rock that he put down into the ground he would rather route it through Pester Ridge Estates removing the barricades and destroying our road that has been in place for over 20 years. The guys that developed our development didn't get to cut corners so why should he? He tries to do everything on the cheap but that is an expensive project and if he didn't have the money he shouldn't have started it. He spent the money to put a pond in instead of a decent road to his own private house. Did he have permission to put a pond in from the NRD and dam up a waterway? Does he have permission to divide it into 3 acres lots like the sign on the corner says?

Sincerely
Deb and Bill Burbach

Angela C. Zocholl

From: Cori R. Beattie
Sent: Monday, April 02, 2012 7:00 AM
To: Angela C. Zocholl
Subject: FW: Petition to remove barricades on Pester Ridge Road

For the record; related to Item 4M.

"Have a great day!!"

Cori Beattie
Lancaster County Deputy Clerk
555 S. 10th Street, Room 108
Lincoln, NE 68508
Phone: 402-441-7488

-----Original Message-----

From: Kerry P. Eagan
Sent: Saturday, March 31, 2012 10:56 AM
To: Dan F. Nolte
Cc: Cori R. Beattie
Subject: FW: Petition to remove barricades on Pester Ridge Road

Dan,

Although Item 4(M) is not technically a public hearing, please keep track of any emails addressing that item and make a verbal note of their receipt at the meeting on Tuesday.

Thanks.

-kpe

-----Original Message-----

From: Harry Heafer [<mailto:hheafer@neb.rr.com>]
Sent: Friday, March 30, 2012 10:29 PM
To: Commish
Cc: Kerry P. Eagan
Subject: Petition to remove barricades on Pester Ridge Road

Dear County Commissioners:

My wife and I live at 2200 Pester Ridge Road, currently a dead end in the Pester Ridge Estates development near S. Coddington and Pleasant Hill Road. Only SW 25th enters into our development off of Pleasant Hill Road with Pester Ridge Road heading east off of SW 25th to a dead end in front of our property.

Mr. Larry Geiger is currently developing approximately 28 acres of land southwest of the S. Coddington and Pleasant Hill Road intersection and he has started building his house on the far

southwest corner of the property. His driveway comes off of S. Coddington. It has just been brought to my attention that he is petitioning the County Board on Tuesday, April 3 to have the barricades removed so his builders and all of the related construction traffic can access the construction site using Pester Ridge Road thus not having to use his driveway off of S. Coddington.

We object to him being granted permission to remove the barricades for this purpose. He should have to use his driveway for the construction traffic access. This would simply be for convenience sake for him.

We have already had to deal with mud on the roads from the initial work done to dig his basement and when LES and Windstream were trenching in lines to his house. The roads in the Pester Ridge Estates development easily become muddy when it rains. Even though the county puts down road gravel each spring, it quickly gets pushed into the roadway and the road soon becomes muddy again. The stretch of Pester Ridge Road immediately in front of our property is especially prone to this muddy condition.

When LES and Windstream recently buried their lines to Mr. Geiger's property along Pester Ridge Road it was raining for two - three days.

The road's condition got even muddier due to their trucks and driving over the road when wet. I called LES and explained the situation and the next day some limestone rock had been nicely spread on the stretch of road in front of our house. I assume it was LES that brought this rock in. The rock isn't very thick but certainly improved the roads condition. Some of this rock has already been pushed into the roadbed by heavy vehicles due to them using Pester Ridge Road to access Mr.

Geiger's property. Regular use by the numerous vehicles that would be using Pester Ridge Road, if the barricades were allowed to be removed, would only make this rock disappear faster into the roadbed making the roadway become muddy when it rains that much sooner.

Since LES had some limestone rock brought in and put down in front of our property, the County has brought in some more road gravel as SW 25th and Pester Ridge Road, both have new road gravel on the road.

Unfortunately, this road gravel will barely get the residents who live along these two roads through the summer before the roads, especially Pester Ridge Road, becomes muddy when it rains. Construction traffic will only make the condition of our road deteriorate and become muddier that much faster.

Mr. Geiger should not be granted permission to remove the barricades at the east end of Pester Ridge Road simply to make it convenient for him. The builders and construction traffic should have to use his driveway to gain access to his property, otherwise SW 25th and Pester Ridge Road will require more rock by the time his house is finished.

He should have to put rock down on his driveway and allow the construction traffic to push it into the soil. This would also improve the roadbed for his driveway.

Thank you for considering out objection to Mr. Geiger's petition to remove the barricades on Pester Ridge Road.

Cordially,

Harry and Karen Heafer
2200 Pester Ridge Road
Lincoln, NE 68523
402-420-1233

Angela C. Zocholl

From: Cori R. Beattie
Sent: Monday, April 02, 2012 8:49 AM
To: Angela C. Zocholl
Subject: FW: Concerns Geico Development, Larry Geiger Tuesday meeting 4-3-12

For the record; related to Item 4M.

"Have a great day!!"

*Cori Beattie
Lancaster County Deputy Clerk
555 S. 10th Street, Room 108
Lincoln, NE 68508
Phone: 402-441-7488*

From: Kerry P. Eagan
Sent: Monday, April 02, 2012 8:22 AM
To: Dan F. Nolte; Cori R. Beattie
Subject: FW: Concerns Geico Development, Larry Geiger Tuesday meeting 4-3-12

From: Amy Chandler [<mailto:achandl@lps.org>]
Sent: Monday, April 02, 2012 8:20 AM
To: Commish
Cc: Kerry P. Eagan
Subject: Concerns Geico Development, Larry Geiger Tuesday meeting 4-3-12

It has brought to my attention as President of Pester Ridge Estates that LARRY GEIGER, GEICO DEVELOPMENT INC. is petitioning to have the barricades removed at the end of Pester Ridge Road, next to his development to have access from Pester Ridge Estates with all equipment, contractors etc. to build his house. I am not sure his development plat has been approved yet by the county and was wondering how he could start building on LOT 5, which he has started already, basement dug and poured. Larry's contractors have been bringing all that mud and dirt from the field down our rock roads already since LES put in the utility to his house. The barricades were removed to do that and have been put back by LES. Larry's contractors and LARRY are driving around the barricades to access his property. We still have a large truck parked and loaded with forms at the end of Pester Ridge Road, (which should be in the Geico Development, NOT in our area). Larry already has APPROVED access from Coddington by the county, BUT does not want to put new rock on his drive and have it driven on by all contractors as it would just push it down in the dirt, wasting his money, saying it was not safe to drive on yet because of the dike to his pond etc. SO he is wanting all access to come

from our area. We have many small children in our area and the excessive traffic is unwanted. Based on the above concerns I would like to see Larry's request be denied.

Amy Chandler

Pester Ridge Estates, President

6400 SW 25th Street

Lincoln Nebraska 68523

402-421-8793

402-304-3077 CELL

Angela C. Zocholl

From: Cori R. Beattie
Sent: Monday, April 02, 2012 9:26 AM
To: Angela C. Zocholl
Subject: FW: Mr. Larry Geiger & Geico Development, Inc- access to South West 25th and Pester Ridge Road Meeting set for 4/3/12
Attachments: Pleasant Hill Acres Development letter to LC & CoLPD.wps.rtf; Pleasant Hill Acres Development letter to LC & CoLPD.wps

Importance: High

For the record; related to Item 4M.

"Have a great day!!"

Cori Beattie
Lancaster County Deputy Clerk
555 S. 10th Street, Room 108
Lincoln, NE 68508
Phone: 402-441-7488

-----Original Message-----

From: Kerry P. Eagan
Sent: Monday, April 02, 2012 9:25 AM
To: Dan F. Nolte; Cori R. Beattie
Subject: FW: Mr. Larry Geiger & Geico Development, Inc- access to South West 25th and Pester Ridge Road Meeting set for 4/3/12
Importance: High

-----Original Message-----

From: labweimlover@neb.rr.com [mailto:labweimlover@neb.rr.com]
Sent: Sunday, April 01, 2012 10:21 PM
To: Kerry P. Eagan
Cc: Commish
Subject: Mr. Larry Geiger & Geico Development, Inc- access to South West 25th and Pester Ridge Road Meeting set for 4/3/12
Importance: High

Kerry Eagan

Attached you will find my letter opposing Mr. Larry Geiger & Geico Development, Inc's- petition for access to his private land development via South West 25th & Pester Ridge Road.

If for any reason you are unable to access the letter attached to the email. Please do not hesitate to contact me. I went ahead and sent it in wps and rtf formats...

If you have any questions feel free to contact me...

Thank you-

Dorothy Klein
2401 Pester Ridge Road
Lincoln, NE 68523
402-420-1244

April 1, 2012

Kerry Eagan,

This letter is being sent to you in regards to Mr. Larry Geiger and Geico Development, Inc's development of Pleasant Hill Acres.

Upon reviewing the letter dated March 23, 2012- to all property owners and a copy of the site plan provided. I as a property owner-resident have many concerns. To follow I will outline some of those concerns and facts that are currently present.

- Mr. Geiger has already broke ground on Lot #5 and put in a driveway that runs to his Lot from South Coddington Avenue. According to his letter dated March 23, 2012, to all Property Owners-residents. Mr. Larry Geiger and Geico Development, Inc. plans to submit to Lancaster County and the City of Lincoln Planning Department the request for AGR zoning and preliminary plat. My question is how was Mr. Geiger able to commence construction in this development-Pleasant Hill Acres- on his new private residence prior to the plat and zoning approval?
- According to Mr. Geiger's site plan of Pleasant Hill Acres he has proposed an additional PRIVATE (Mr. Geiger's words to a property owner-resident) road off of West Pleasant Hill Road which will provide him ample and additional access to his LOT #5.
- Mr. Geiger has abused the use of South West 25th & Pester Ridge Road already. He or someone he employs have made themselves an alternate access route around the barricades in place at the end of Pester Ridge Road. Vehicles carrying forms used to create poured cement basement walls have more than average disturbed the gravel roads of South West 25th and Pester Ridge Road. An abundance of mud and dirt from Mr. Geigers development has been deposited on these gravel roads. And to date the before mentioned vehicle carrying the forms used to create the poured cement basement walls- is still located at the end of Pester Ridge Road fully- loaded with the used forms.
- We have witnessed a pick-up truck driving BACKWARDS on Pester Ridge Road toward South West 25th from the construction site at a very high rate of speed. That truck probably should have not been traveling backwards on a gravel road that fast. As he was speeding away backwards toward South West 25th, gravel and rocks were flying. We as residents do not drive down our gravel roads like this nor do our guests. The potential for personal property damage has greatly increased with this extra traffic.
- During the construction of Mr. Geiger's dike/dam to his pond. He had numerous vehicles in and out of his development. He did have equipment on his property that's purpose is to roll and pack dirt. I am sure the company he used to build his dam took all precautions to see to it that things were packed accordingly. So all future vehicular traffic could safely utilize that road in his development to his home from South Coddington Avenue.
- Mr. Geiger and his hired contractors have ample access to his property from South Coddington Avenue. With the removal of the barricades at the end of Pester Ridge Road, Contractors, etc. will have to travel approximately 8 blocks further to reach their destination. From the corner of South Coddington Avenue & West Pleasant Hill Road going West to South West 25th then turning South onto South West 25th and then turning East on Pester Ridge Road. Where if he were to continue just slightly South from South Coddington Avenue & West Pleasant Hill Road- his travel distance to his own drive would only be approximately 2 ½ blocks-if that.
- In a statement made to one of our property owner-residents by Mr. Larry Geiger. He will have a PRIVATE road with access from West Pleasant Hill Road to Pester Ridge Road. This PRIVATE road, if developed NOW would allow him a secondary access point to his own land, on his own PRIVATELY maintained road. This Private road will allow him a secondary access point to his Lot # 5 being constructed now. This secondary access point along with the access point off of South Coddington Avenue would be a shorter travel distance for any and all involved in the construction process. Thus, leaving us home owners-residents off of South West 25th and Pester Ridge Road- undisturbed.
- Local property owners-residents do not receive road maintenance from the County as frequently as in

the past. The County however just recently has re-graveled South West 25th & Pester Ridge Road in the past week. I do not want to have heavy equipment traveling in & out of our roads spreading dirt & mud on our newly graveled roads. Potentially leaving dangerous ruts in our roads if they are moistened by rains. An average passenger vehicle would not cause as severe damage to the road as any piece of Heavy Construction Equipment would.

Therefore, I request that Mr. Larry Geiger and Geico Development, Inc's petition for the barricades to be removed at the end of Pester Ridge Road be DENIED.

Sincerely,

Dorothy Klein
2401 Pester Ridge Road
Lincoln, NE 68523
Phone #: 402-420-1244

Angela C. Zocholl

From: Dan F. Nolte
Sent: Tuesday, April 03, 2012 8:51 AM
To: Angela C. Zocholl; Cori R. Beattie
Subject: FW: Geico Development

-----Original Message-----

From: Kerry P. Eagan
Sent: Tuesday, April 03, 2012 7:19 AM
To: Commish; Dan F. Nolte; Cori R. Beattie
Subject: FW: Geico Development

-----Original Message-----

From: Cheryl Petersen [<mailto:Cheryl1949@inebraska.com>]
Sent: Monday, April 02, 2012 8:59 PM
To: Kerry P. Eagan
Subject: Geico Development

Dear Kerry Egan,

This letter is in regards to the development of acreages at West Pleasant Hill Road and Coddington Avenue by Geico Development; Larry Geiger, owner. We are opposed to Mr. Geiger using our road, Southwest 25th, as his access for equipment, contractors, etc. to build his house.

He has access from Coddington Avenue but does not want to use that as it will "push the new rock down into the dirt". The county has had to put more gravel on our road in order to maintain it since the heavy trucks have been using it. The barricades that were removed when LES put in the utilities have been reinstalled but the equipment and trucks used to build Mr. Geiger's house are driving around them. We were also informed that the road entering the acreages from West Pleasant Hill Road at Equestrian Ridge will be a private road and we will not have use of that road or the road entering from Coddington Avenue. If this is so, how does Mr. Geiger have the right to use our road for his personal use? We feel that Mr. Geiger should use his own roads for his house-building and stay off ours!

Sincerely,
Bruce & Cheryl Petersen

To: Lancaster County Planning Commission

Re: Pleasant Hill Acres / Geico Development Inc.

April 2, 2012

To whom it may concern,

I wish to voice my opposition to certain aspects of the zoning request and preliminary plat for Pleasant Hill Acres. This covers 5 lots southwest of S. Coddington Ave, and W. Pleasant Hill Rd.

It has come to my attention that the developer, Larry Geiger (Geico Development Inc.) has petitioned to have the barricades at the end of Pester Ridge Rd removed to allow access for contractors to his development. While Lincoln Electric System had those barricades down, Geico Development Inc. had already begun using Pester Ridge Rd, and SW 25th St to haul away excess mud and dirt, resulting in unusually high traffic of large equipment on these single lane gravel roads. Geico Development already has approved access to the site via S. Coddington Ave. using a driveway directly to lot #5 which is the lot being developed currently. Mr. Geiger should use his own approved driveway for contractor access, as opposed to exerting undue wear and tear on Pester Ridge Rd, and SW 25th St. There is also the fact that there would be many large and cumbersome vehicles driving on those narrow, unpaved roads, which are shared by many young children, including my own.

I have also been told that the eventual connecting road to Pester Ridge Rd, has been requested by Larry Geiger to be a private road. I do not know how this works, but I don't believe that I would be in favor of a secondary outlet to a main thoroughfare, to be restricted to only Pleasant Hill Acres residents.

Thank you for taking the time to review these issues.

Respectfully,

Christopher J Petersen
6600 SW 25th St
Lincoln, NE 68523
402-420-6233
402-450-5885

Angela C. Zocholl

From: Dan F. Nolte
Sent: Tuesday, April 03, 2012 8:50 AM
To: Cori R. Beattie; Angela C. Zocholl
Subject: FW: Pester Ridge Estates

From: Kerry P. Eagan
Sent: Monday, April 02, 2012 4:35 PM
To: Dan F. Nolte; Cori R. Beattie
Subject: FW: Pester Ridge Estates

From: Nancy Borchers [<mailto:nborche@hotmail.com>]
Sent: Monday, April 02, 2012 12:30 PM
To: Commish; Kerry P. Eagan
Subject: Pester Ridge Estates

To Whom It May Concern:

As residents of Pester Ridge Estates, we are strongly against Larry Geiger removing our barricades for his own personal use. His address and driveway is off of Coddington Avenue, which has been approved by the County. He needs to correctly prepare his road to handle his construction traffic. All of us in Pester Ridge Estates paid to have our driveways completed before construction of our houses.

Perhaps he should have put aside some money for his road instead of constructing the large pond in front of his house. Larry Geiger is cheap and needs to spend his own money to complete his own driveway. It is not the responsibility of us in Pester Ridge Estates or Lancaster County to provide him access to our road.

Thank you.

Dennis and Nancy Borchers
6601 SW 25th St
Lincoln, NE 68523
(402) 416-6104

Angela C. Zocholl

From: Dan F. Nolte
Sent: Tuesday, April 03, 2012 1:21 PM
To: Angela C. Zocholl
Cc: Cori R. Beattie
Subject: FW: Pester Ridge Estates (Pester Ridge Rd) Access Concerns

Angela:
Please add this to the other emails on the road.
Thanks
dan

-----Original Message-----

From: Kerry P. Eagan
Sent: Tuesday, April 03, 2012 11:25 AM
To: Dan F. Nolte; Cori R. Beattie
Subject: FW: Pester Ridge Estates (Pester Ridge Rd) Access Concerns

-----Original Message-----

From: Minette M. Genuchi On Behalf Of Commish
Sent: Tuesday, April 03, 2012 11:12 AM
To: Bernie Heier; Bernie Heier (Beh44@aol.com); Brent Smoyer; Brent T. Smoyer; Deb E. Schorr; Deb Schorr (debschorr@aol.com); Jane M. Raybould; Jane Raybould
Cc: Gwen K. Thorpe; Kerry P. Eagan
Subject: FW: Pester Ridge Estates (Pester Ridge Rd) Access Concerns

Hardcopy - Larry H

-----Original Message-----

From: kkneifl@windstream.net [<mailto:kkneifl@windstream.net>]
Sent: Monday, April 02, 2012 8:11 PM
To: Commish
Cc: Kerry P. Eagan
Subject: Pester Ridge Estates (Pester Ridge Rd) Access Concerns

As a neighbor living in Pester Ridge Estates, I would like to know if Larry Geiger has the legal right to pull barricades and use Pester Ridge Road to allow contractors to access his new acreage while it is being built. If he does have the legal right please address all of the concerned neighbors living in Pester Ridge Estates. If he does not have the legal right, it would be our expectations that Lancaster county would notify him ASAP that he can longer use Pester Ridge Road and that he must use his new access driveway off of Coddington that he just recently built.

I have one comment, when the residents now living in Pester Ridge Estates built new houses, newly constructed driveways were used by construction workers.

Sincerely
Kevin Kneifl
6500 SW 25st

EXHIBIT

tabbles

B



03/23/2012



03/23/2012



03/26/2012



15

03/26/2012

