

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, MAY 23, 2017
9:00 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 May 19, 2017.

Commissioners present: Todd Wiltgen, Chair; Bill Avery, Vice Chair; Roma Amundson, Jennifer Brinkman and Deb Schorr

Others present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Kelly Lundgren, County Clerk's Office

The Chair called the meeting to order at 9:02 a.m.

The location of the Nebraska Open Meeting Act was announced.

1) MINUTES:

- A. Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 16, 2017.**

MOTION: Brinkman moved and Avery seconded approval of the minutes. Avery, Brinkman, Schorr, Amundson and Wiltgen voted yes. Motion carried 5-0.

2) CLAIMS:

- A. Approval of all claims processed through May 23, 2017.**

MOTION: Avery moved and Amundson seconded approval of the claims. Brinkman, Schorr, Amundson, Avery and Wiltgen voted yes. Motion carried 5-0.

3) NEW BUSINESS:

- A. Special designated license application from Kramer Bar & Grill for an event to be held on July 8, 2017 at Kramer Bar & Grill, 11365 W. Kramer Street, Kramer, Nebraska.**

The item was held.

- B. Resolution in the matter of the closure of Structure H-115. (R-17-0039)**

The item was held until later in the meeting.

- C. **Agreement with the League of Human Dignity to provide to residents the "Independent Living" curriculum. Term of the agreement is from July 1, 2017 through January 31, 2019. There is no cost to the County. (C-17-0351)**

MOTION: Amundson moved and Avery seconded approval of the agreement. Amundson, Schorr, Brinkman, Avery and Wiltgen voted yes. Motion carried 5-0.

- D. **Renewal of an agreement with Ameritas Group for the administration of the Lancaster County self-insured dental plan from January 1, 2018 through December 31, 2018. The monthly fee of \$4.47 per enrolled employee will be applicable from the stated term. (C-17-0352)**

Bill Kostner, Human Resources Risk Manager, said both item D and E are renewals with no rate increase for the 2018 term.

MOTION: Schorr moved and Amundson seconded approval of the renewal. Schorr, Brinkman, Amundson and Wiltgen voted yes. Avery abstained. Motion carried 4-0 with one abstention.

- E. **Renewal of an agreement with Ameritas Group for the administration of the Lancaster County vision plan from January 1, 2018 through December 31, 2018. The current plan and rates will be the same as those applicable to the period of January 1, 2016 through December 31, 2017. (C-17-0353)**

Brinkman inquired if the agreement could be renewed for more than one year. Kostner stated it is not possible to include additional years.

MOTION: Amundson moved and Brinkman seconded approval of the renewal. Brinkman, Amundson, Schorr and Wiltgen voted yes. Avery abstained. Motion carried 4-0 with one abstention.

- F. **Nebraska Medicaid Participating Provider Agreement between WellCare of Nebraska, Inc. and Lancaster County. Term of the agreement is for one year from the effective date. (C-17-0354)**

MOTION: Brinkman moved and Amundson seconded approval of the agreement. Avery, Amundson, Schorr, Brinkman and Wiltgen voted yes. Motion carried 5-0.

- G. **Licensing agreement with Swank Motion Pictures, Inc. for showing DVD movies at the Youth Services Center. The County will pay \$449.10 for the license. Term of the agreement is July 1, 2017 through June 30, 2018. (C-17-0355)**

MOTION: Amundson moved and Schorr seconded approval of the agreement. Amundson, Brinkman, Avery, Schorr and Wiltgen voted yes. Motion carried 5-0.

- H. **Memorandum of Understanding among the City of Lincoln, the Lincoln-Lancaster County Public Building Commission and Lancaster County to upgrade 5 City TV equipment. The cost to the County is approximately \$2,019.05. (C-17-0342)**

MOTION: Schorr moved and Amundson seconded approval of the memorandum. Avery, Schorr, Brinkman, Amundson and Wiltgen voted yes. Motion carried 5-0.

- I. Agreement with NASRO to provide an advanced training program for up to fifteen School Resource Officers from June 14-16, 2017. Cost to the County is \$4,800. (C-17-0356)**

Sara Hoyle, Human Services Director, said this is a partnership with the Lincoln Police Department to provide training for fifteen school resource officers.

MOTION: Brinkman moved and Amundson seconded approval of the agreement. Brinkman, Amundson, Schorr, Avery and Wiltgen voted yes. Motion carried 5-0.

- J. Grant contract with the YWCA of Lincoln in the amount of \$10,455 for the Girls Circle program through the Nebraska Commission on Law Enforcement and Criminal Justice Services Aid State Grant #16-CB-523. Term of the grant contract is April 1, 2017 through June 30, 2017. (C-17-0299)**

Hoyle introduced YWCA Director, Karen Bell-Dancy.

Bell-Dancy explained that the Girls Circle program provides a group setting to empower girls in grades 6 through 8. The program will be held through the summer at Dawes Middle School. Bell-Dancy said there will be an opportunity for post-evaluation to see how the program has impacted the participants' decision making.

MOTION: Schorr moved and Brinkman seconded approval of the grant contract. Schorr, Avery, Amundson, Brinkman and Wiltgen voted yes. Motion carried 5-0.

- K. Amendment to County Contract C-17-0254 with the Human Services Federation to facilitate the Youth Thrive Training. The cost for the two additional trainings will increase the contract by \$4,150 for the remainder of the contract term with a revised total amount of \$9,500. (C-17-0361)**

Hoyle said two training sessions had previously been offered with an overwhelming response. She stated two additional sessions will be offered in order to provide this training opportunity to those on a waiting list.

MOTION: Amundson moved and Avery seconded approval of the amendment. Avery, Brinkman, Schorr, Amundson and Wiltgen voted yes. Motion carried 5-0.

- L. Recommendation from the Purchasing Department and County Engineer to award a contract to Gana Trucking and Excavating for 2017 Erosion Control (Project No. 17-08; Bid No. 17-139). The total amount is \$271,106.45. (B-17-0139)**

Pam Dingman, County Engineer, said this work would be for erosion control on bridges D-88, H-66 and Rock Creek.

MOTION: Amundson moved and Brinkman seconded approval of the recommendation. Brinkman, Schorr, Amundson, Avery and Wiltgen voted yes. Motion carried 5-0.

- M. Agreement with Constructors, Inc., for asphalt and resurfacing projects in 2017, the amount of \$5,097,807.23, with an option for additional work in the amount of \$1,038,302.06. Work is to be completed on or before November 1, 2017. (C-17-0357)**

Dingman stated this agreement is for 2017 resurfacing projects which include approximately twenty miles of asphalt overlay at various locations throughout the County. It also includes two miles of new pavement on Adams Street from Stevens Creek to 148th Street.

MOTION: Brinkman moved and Amundson seconded approval of the agreement. Schorr, Amundson, Avery, Brinkman and Wiltgen voted yes. Motion carried 5-0.

- N. Amendment to County Contract C-15-0217 with Gary's Lawn & Landscape for the annual service of noxious weed control, spraying and mowing (Bid No. 15-087). The amendment renews the contract from May 19, 2017 through May 18, 2018. The cost to the County is not to exceed \$15,000. (C-17-0337)**

MOTION: Amundson moved and Avery seconded approval of the amendment. Amundson, Avery, Brinkman, Schorr and Wiltgen voted yes. Motion carried 5-0.

RETURNING TO ITEM 3B

Dingman said the culvert is located at 176th Street between Alvo Road and McKelvie Road (Exhibit A). She stated there has been continued issues with the culvert over the last two years. Dingman said it was included in a Nebraska Emergency Management Agency (NEMA) grant two years ago but unfortunately it remains unfunded. She noted that after even a minor rainfall event the banks disintegrate and the structure is no longer safe.

In response to Wiltgen's inquiry as to how long it will be closed, Dingman responded a decision will need to be made to either wait for the NEMA funding or move forward with replacing the structure. She said the average traffic count is under one hundred cars per day and the detour will be around the section mile. Dingman added the road is not in the right-of-way.

Brinkman requested clarification on the "unfunded grant". Dingman explained that after 2015 flooding the County applied for NEMA Hazardous Structure Grants. A couple of grants were awarded, however at this time the grants are unfunded.

- 4) 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. Setting a public hearing on Tuesday, May 30, 2017 at 9:00 a.m., in Room 112 of the County-City Building (555 S 10th Street, Lincoln) for County Text Amendment No. 17008 to amend Articles 2, 3, 4, 5, 6, 7, 9, 13, 14, 15, 16, 17, 20 and 22 of the Lancaster County Zoning Resolution.**

- B. Right-of-way contracts between Lancaster County and the following:**
- 1. SSAR, LLC, South 84th Street and Rokeby Road, in the amount of \$2,070.50. (C-17-0358)**
 - 2. Catholic Bishop of Lincoln, South 84th Street and Rokeby Road, in the amount of \$1,361.25. (C-17-0359)**
 - 3. Donnie W. Johnson, Trustee, North 176th Street and Waverly Road, in the amount of \$230.50. (C-17-0360)**
- C. Utility Permit No. 1544 allowing Windstream Nebraska, Inc., to re-locate 500 linear feet of buried fiber optic cable on NW 112th Street west to the County right-of-way. There is no cost to the County. (C-17-0350)**

MOTION: Amundson moved and Schorr seconded approval of the consent items. Brinkman, Schorr, Amundson, Avery and Wiltgen voted yes. Motion carried 5-0.

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

Merle Schlotfeld, 16850 Adams Street, Lincoln, appeared and expressed concerns with a neighboring property operating a landscaping business resulting in increased traffic and deteriorating road conditions.

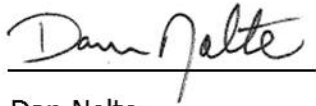
Sean and Alexis Fintel, 12401 W. Denton Road, Denton, provided a presentation regarding their concerns with the expanded home occupation permit granted to Hillside Events at 12400 West Denton Road (Exhibit B).

6) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a staff meeting, including department budget hearings, on Thursday, May 25, 2017 at 9:00 a.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10th Street, Lincoln). Please note the time change due to the Employee Recognition Breakfast.**
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, May 30, 2017 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).**
- C. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.**
- D. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesdays (1:30 p.m. and 7:00 p.m.), Wednesdays (12:00 a.m. midnight) and Saturdays (3:30 p.m.) on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on the internet at lancaster.ne.gov under 5 City-TV, Video on Demand or 5 City-TV on YouTube.**

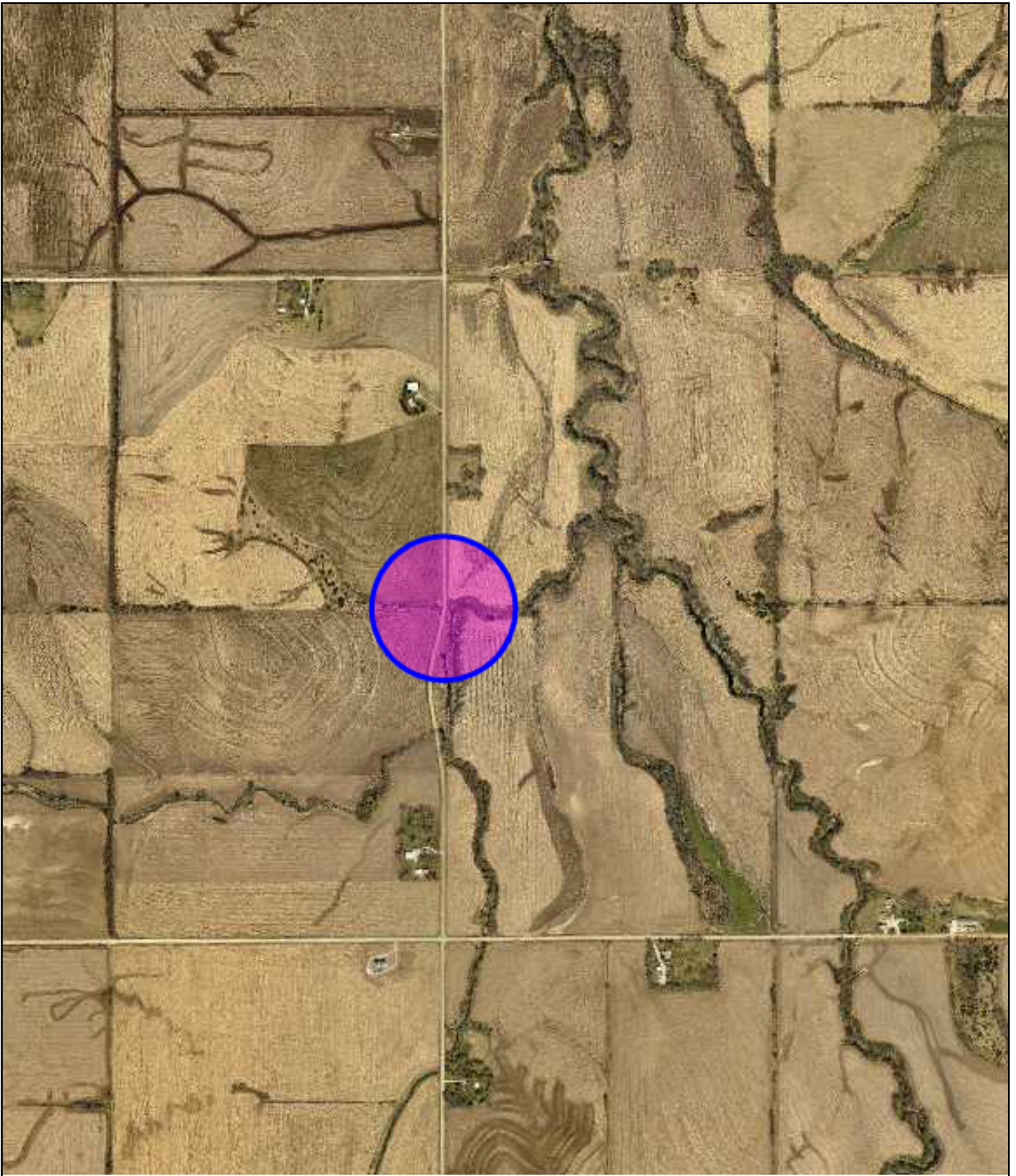
7) ADJOURNMENT

MOTION: Schorr moved and Brinkman seconded to adjourn the Lancaster County Board of Commissioners meeting at 9:43 a.m. Schorr, Amundson, Avery, Brinkman and Wiltgen voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk





Lancaster County/City of Lincoln GIS Map

H-115 on 176th Street

Printed: May 24, 2017

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.

Supporting Information to Void Resolution R-16-0039
Expanded Home Occupation Permit – Hillside Events -
12400 West Denton Road

Sean & Alexis Fintel

12401 W. Denton Road; Denton, NE 68339

What are we asking for? Schedule a public hearing to proceed with discussion on revocation due to issues with information presented (and withheld) at the hearings and other issues related to the resolution **OR** void the resolution due to issues that will be discussed.

**Supporting Information to Void Resolution R-16-0039 Expanded Home
Occupation Permit – Hillside Events - 12400 West Denton Road
Table of Contents**

Item	Page(s)
Note: Page numbers shown below are the original page numbers from the full documents posted online.	
Presentation	1-30
Reference Information From Various County Commissioner Meetings	31-88
Lancaster County Board of Commissioner Meeting Minutes Pages 1-3 (4-12-16)	31-33
Lancaster County Board of Commissioner Meeting Minutes Pages 4-5 (4-19-16)	34-35
Lancaster County Board of Commissioner Meeting Minutes Page 3 (4-26-16)	36
Lancaster County Board of Commissioner Meeting Minutes Pages 14-17 (6-28-16)	37-40
Lancaster County Board of Commissioner Meeting Minutes Page 21 (6-28-16) Exhibit C - Applicant Proposed Amendment for Hillside Events	41
Lancaster County Board of Commissioner Meeting Minutes Exhibit G - Pages 73-74 (6-28-16) - Two Pages of Information From Fire Marshal Presented at the Meeting on June 28th, 2016 and entered as a part of the record.	42-43
Lancaster County Board of Commissioner Staff Meeting Minutes Pages 1-5 (6-30-16)	44-48
Lancaster County Board of Commissioner Staff Meeting Minutes Exhibits E&F - Pages 25-26 (6-30-16) - Applicants Proposed Amendment & Memo to Lancaster County Board from Steve Henrichsen regarding regulation compliance at 12400 West Denton Road.	49-50
Lancaster County Board of Commissioner Staff Meeting Minutes Pages 7-11 (7-7-16)	51-55
Lancaster County Board of Commissioner Staff Meeting Minutes Exhibit D - Pages 19-31 (7-7-16) - Correspondence & Information From Planning Department Regarding Compliance and State Fire Marshal. This set of documents includes ALL pages including pages 1 of 3 and pages 2 of 3 that are very important documents.	56-68
Revised County Resolution SP16021 Received by Neighbors via e-mail from Geri Rorabaugh at 8:15 AM on July 11th, 2016 (this is the last version that we were able to see). We were also sent one on 7/8/16 at 1:40 PM that doesn't look a lot different than this one.	69-73
Lancaster County Board of Commissioner Meeting Minutes Pages 1-7 (7-12-16)	74-80
Lancaster County Board of Commissioner Meeting Minutes (7-12-16) Exhibit B - Pages 187-192 - Updated Resolution Presented By Attorney For The Applicants On 7-12-16 which we were never able to see a hard copy of. We never saw this until it was posted with the minutes of the meeting.	81-86
Lancaster County Board of Commissioner Meeting Minutes (7-12-16) Exhibit D - Pages 199-200 - Sean Fintel Slide Showing on lower left - <i>"Why can't we review the resolution modifications?"</i>	87-88

Supporting Information to Void Resolution R-16-0039
Expanded Home Occupation Permit – Hillside Events -
12400 West Denton Road

Sean & Alexis Fintel

12401 W. Denton Road; Denton, NE 68339

What are we asking for? Schedule a public hearing to proceed with discussion on revocation due to issues with information presented (and withheld) at the hearings and other issues related to the resolution **OR** void the resolution due to issues that will be discussed.

Three Areas of Concern (10 Focus Issues)

- 1) Inaccurate (Information and Deadlines Not Met) and Excluded Information at Hearings
- 2) Issues With Resolution & Applicability
- 3) Resolution Modification Presented at July 12th Meeting

What are we asking for? Schedule a public hearing to proceed with discussion on revocation due to issues with information presented (and withheld) at the hearings and other issues related to the resolution or void the resolution due to issues that I will discuss.

"The issue is, really for us, and why it becomes a challenge and why we grant the exceptions, is not because we want to be lenient. That is not our M.O. It's, the conversation has always been about your customer, those individuals who are having a wedding. The invitations have been mailed and it would be very disruptive and so, that's why, moving forward, you are on record and you know that you are not in compliance." – Commissioner Todd Wiltgen (April 19th, 2016 County Commissioner Meeting)

April 19th Lancaster County Board Meeting

The Smiths appeared in regards to an SDL for an event to be held on May 7th (SDL app for May 21st discussed also)

Wiltgen asked that the Smiths not schedule any additional events until the venue is properly zoned. Ms. Smith stated they are booked every Saturday until the end of July but would not take any additional requests until properly zoned.

Source: Page 4 of Meeting Minutes & (Page 34 of 88 of Reference Guide)

Cajka stated the special permit will require the building to meet code requirements prior to approval by the Planning Commission and Board of Commissioners.

David Derbin, Deputy County Attorney, stated that the agenda item for approval is strictly the special designated liquor license. He said with regard to premise and licensing the Board would be insulated from liability unless it is reckless. Derbin said per the testimony just provided, there are definite safety concerns that could be deemed reckless. He noted the Board did approve a special designated license on April 12, 2016 for an event at this same venue. Derbin said the Board did not say zoning or planning requirements were being waived but felt today's conversation was starting to drift in that direction. Derbin advised the Board that it is questionable practice to start waiving building and safety codes and permitting. He added there is a process in place through the Planning Commission to properly address these concerns.

MOTION: Schorr moved to approve the special designated license application. Avery seconded with the caveat that some of the work is completed prior to the event.

Source: Page 5 of Meeting Minutes & Page 35 of 88 of Reference Guide)

Kathe stated that a fire would be the greatest concern. He added that emergency lighting could also be an issue.

April 19th Lancaster County Board Meeting

The Smiths appeared in regards to an SDL for an event to be held on May 7th (SDL app for May 21st discussed also)

- 1:16:59 – Commissioner Todd Wiltgen – “And I would just ask that you **not agree to any additional events until you get this all resolved.**”
 - 1:17:07 - The Smiths – During discussion – **“Sure, we haven’t. We have not.”**
- 1:17:10 - Commissioner Wiltgen – The issue is, really for us, and why it becomes a challenge and why we grant the exceptions **is not because we want to be lenient. That is not our M.O. It’s, the conversation has always been about your customer, those individuals who are having a wedding.** The invitations have been mailed and it would be very disruptive and so **that’s why, moving forward, you are on record and you know that you are not in compliance.”**
 - “If we do approve this, it’s because you have come forward and in the future it would not probably be viewed as favorably by the County Board.”
- 1:18:05 – Commissioner Deb Schorr - “So, in addition to item E, which is another wedding it looks like you’re having on May 21st. What other events have you agreed to?”
 - Melissa Smith – “We also have another wedding on May 14th as well...”
Why was it completely left out by the applicants that there was an event that was going to be taking place in just 4 days after this (April 23rd)?
- 1:21:30 – Commissioner Roma Amundson – “Now you are probably not going to accept any more receptions?”
 - Melissa Smith responded – “We are waiting to hear from zoning before we book anything else. I am not doing any showings or returning phone calls or e-mails or anything else.”

Wiltgen asked that the Smiths not schedule any additional events until the venue is properly zoned. Ms. Smith stated they are booked every Saturday until the end of July but would not take any additional requests until properly zoned.

Source: April 19th meeting minutes – Page 4 & (Page 34 of 88 of Reference Guide) 4 of 88

April 19th Lancaster County Board Meeting

The Smiths appeared in regards to an SDL for an event to be held on May 7th (SDL app for May 21st discussed also)

- **Issue #1 – Discrepancy on (what was said (and not said) regarding) events scheduled to take place**
 - Nothing mentioned about an event that was going to be taking place just 4 days after the 4/19 meeting (took place on April 23rd)
- **Issue #2 – Discrepancy on agreement to not schedule additional events or discrepancy on events scheduled thus far**
 - Which is it?

Wiltgen asked that the Smiths not schedule any additional events until the venue is properly zoned.
Ms. Smith stated they are booked every Saturday until the end of July but would not take any additional requests until properly zoned.

Source: April 19th meeting minutes – Page 4 & (Page 34 of 88 of Reference Guide)

- Or? Were more events scheduled after this meeting on April 19th?

• **It is one or the other.**

- **Three times they agreed to not schedule additional events.**

Hillside Events Dates and sizes of parties:

5/21 Wedding and reception 150-175 people
5/28 Wedding and reception 150 people
6/4 Wedding only (outside) 275 people
6/18 Wedding and reception 200 people
6/25 Wedding and reception 200 people
7/16 Wedding only (outside) 300 people
8/13 Wake for deceased 100 people
8/20 Wedding only (outside) 200 people
9/3 Wedding and reception 200 people
9/4 Wedding and reception 200 people
9/10 Wedding and reception 175 people
9/18 Wedding and reception 150 people
9/17 Wedding only (outside) 250 people
9/24 Wedding and reception 100 people
10/1 Wedding and reception 275 people
10/7 Wedding and reception 200 people
10/8 Wedding and reception 200 people
10/15 Wedding only (outside) 300 people

1

- 1:16:59 – Commissioner Todd Wiltgen – “And I would just ask that you not agree to any additional events until you get this all resolved.”
 - 1:17:07 - The Smiths – During discussion – “Sure, we haven’t. We have not.”

2

- 1:21:00 – Commissioner Roma Amundson – “Now you are probably not going to accept any more dates?”
 - Melissa Smith responded – “We are waiting on some things before we book anything else. We are waiting on zoning, planning, or anything like that or anything else.”

3

- 1:29:55 – Commissioner Roma Amundson - Voted no and stated, “...to express my concern about the fact that this needs to be brought up to code and I think that this needs to be done before you accept any more dates.”
 - Melissa Smith & Tyler Smith responded – “Yes, oh yes. Definitely.”

Source: June 28th meeting minutes – fire marshal document (page 43 of 88 reference guide)

Issue #2 – Discrepancy on agreement to not schedule additional events or discrepancy on events scheduled - (continued)

- “Continuing to take reservations” comment from Commissioner Amundson which is shown below (July 7th, 2016 staff meeting).
- This was a surprise to a lot of people when this was also seen on the June 28th meeting minutes (fire marshal document) where in complete contrast to what they said on April 19th (booked through June) yet events are shown scheduled through October.
 - And, on that date (April 19th) they agreed to not schedule any additional events (3 times).

Amundson noted the applicants have 12 events scheduled and is continuing to take reservations.

Source: July 7th, 2016 Staff Meeting Minutes – Page 9 (& page 53 of 88 of reference guide)

June 28th Lancaster County Board Meeting

Public Hearing To Discuss SP16021 – Resolution R-16-0039

Issues #3&4 - Fire Marshal Document - (3-Documents & 4-Completion Date)

Mark Hunzeker, Baylor Evnen Law Firm, was administered the oath. He appeared on behalf of Hillside Events Center. Hunzeker reviewed the proposed amendment (Exhibit C). He stated there are a number of similar properties and cited with the Planning Department staff report. Hunzeker said the owners have made every effort to bring the venue into compliance.

Amundson inquired if approval by the State Fire Marshal has been received. Hunzeker stated a letter has been received and the owners have until the end of July to meet the requirements.

Source: Page 14-15 of Meeting Minutes (& 37 of 88 and 38 of 88 of reference guide)

- At 2:53 on the video – Mr. Hunzeker references a letter from the state fire marshal. He states, ***“They have a letter from the state fire marshal approving a plan of work to bring them into compliance with the fire codes and they are in the process of accomplishing that as well.”***
<https://youtu.be/Lesdeo6Sxy8>

- Also at 7:06 – Discussion on fire marshal letter. Commissioner Amundson asked, ***“Do you have a copy of that letter?”*** He did not at that time, but later on, then it was presented. 52:20 – Mr. Hunzeker, ***“I was able to get a copy of the fire marshal letter sent.”*** included as exhibit G

Fire Marshal document (presented on that day) included as Exhibit G – Pages 73-74 (& page 42 of 88 and 43 of 88 of reference guide)

Therefore a plan was put together and presented to the fire marshal and the Lancaster County Board, yet the deadline was not met. Here it is nearly a year later and all of those items are STILL NOT MET.

How much did this influence the vote considering there were statements made regarding completion by the end of July?_{7 of 88}

Issue with Fire Marshal Document Presented June 28th

Issue #3 - Fire Marshal Document Discrepancy – Included in July 7th, 2016 Staff Meeting Minutes (part of Exhibit D) (& 57 and 58 of reference guide)

Page 1 of 3

STATE OF NEBRASKA STATE FIRE MARSHAL
246 SOUTH 54TH STREET
LINCOLN, NE 68508-1804

Facility Name Hilade Events	Fee Street Number 12400 West Denton Road
Owner / Address / Phone Number Tyler & Melissa Smith, hiladeevents@yahoo.com	City/Town Denton
County Lancaster	Use Occupied New Assembly
Inspected On 4-19-16	Fee Code YES NO XX N/A

Contact person/number: Tyler & Melissa Smith, 402-304-3175 or 402-450-2508
Initial inspection: 4-19-16
Revised inspection: N/A
Hours of operation: TBD
Plan review numbers: NONE

This facility was inspected on 4-19-16 per the request of the owners. In addition to the owners request there has been two complaints on this facility for fire code violations. At the current time the Event Center of this facility is **NOT** approved for occupancy. The following deficiency will need to be corrected before the Event Center at this facility can be approved for use and to occupancy.

1. Shall submit plans and a permit to the Fire Marshal Office for the change in occupancy for the Event Center building, NFPA 1, 1.2
2. Shall submit plans for the fire alarm system. On the day of inspection the main room is designed as a multipurpose room able to hold 426 people, NFPA 1, 1.2
3. Shall install a fire alarm system for the building NFPA 101, 12.3.4
4. The north exit shall terminate at a public way or at an exterior exit discharge, yard, court, open space away from the building. NFPA 101, 7.7
5. The main exit door and the northwest exit door shall not have abrupt changes in elevation of the walking surface. On the day of inspection these doors had thresholds that had an elevation change greater than 1/4 inch in change. NFPA 101, 7.1.6.2 and 7.2.1.3
6. The main exit door shall be level on both sides of the door. On the day of inspection when stepping through the front door, going to the south, there is a ramp that starts at the door jam. NFPA 101, 7.2.1.3
7. The main exit door and the northwest exit door shall swing in the direction of egress. On the day of inspection these doors opened to the inside. NFPA 101, 7.2.1.4.2
8. All the exit doors shall have panic hardware installed on them. NFPA 101, 12.2.2.2.3
9. The main exit door shall be designed to accommodate half of the occupant load for exiting. On the day of inspections the occupancy for the building was 426. The front door shall be able to exit 213 people. The front door is a 36 inch door with a capacity of 180 people. NFPA 101, 7.3.3.1 and 12.3.3.3
10. Shall provide exit doors in such widths and numbers to accommodate 426 people. On the day of inspection there were two exit doors out of the main room. Both these exit doors are 36 inch

NFPA (2.201)

Page 2 of 3

STATE OF NEBRASKA STATE FIRE MARSHAL
246 SOUTH 54TH STREET
LINCOLN, NE 68508-1804

doors with an egress capacity of 180 people for each door. The occupant load for the space is 426. NFPA 101, 12.2.4 and 7.3.3.2
Note: the kitchen exit door cannot be used as an exit door for the large assembly room. NFPA 101, 12.2.5.2

11. Shall provide emergency lighting throughout the inside of the building to provide enough emergency lighting for not less than 1 foot candle of lighting throughout the exiting pathway. This emergency lighting shall be on the lighting circuit that it serves. NFPA 101, 7.9.2 and 12.2.9
12. Shall provide emergency lighting on the outside of the building to provide enough emergency lighting for not less than 1 foot candle of lighting throughout the exiting pathway to a public way or a safe distance away from the building. This emergency lighting shall be on the lighting circuit that it serves. NFPA 101, 7.9.2 and 12.2.9
13. Shall provide documentation of the flame spread rating for the interior wall and ceiling finish material. This finish will need to class A or class B in the assembly area. NFPA 101, 12.3.3.3
14. Shall provide documentation that the electrical system has been inspected and approved. NFPA 101, 12.5.1.9.1 and NFPA 70
15. Shall install an access on the building NFPA 1, 10.13.1.1

Note 1: At the current time this building does not have heating or cooling in the building.
Note 2: The approximate size of the large assembly room is 50.7 feet by 59 feet.
Note 3: This inspection does not determine compliance with the State of Nebraska Accessibility Guidelines. This determination shall be done by the local jurisdiction. (Lancaster County Inspections)

All items must be corrected in compliance with the laws of the State of Nebraska and with rules and regulations adopted by the State Fire Marshal as evidenced by section 81-802.04-01-01.

It is the duty of the owner to provide in charge of the above-named facility to immediately take measures to bring the facility into compliance with state regulations. ALL CORRECTIONS SHALL BE MADE AND ALL ITEMS CORRECTED ON OR BEFORE. Before the Building can be occupied.

If you have questions on this Order, please Contact: Cheryl Eisenhart, by phone at 801-411-3050, or by e-mail at cheryl@nebraskafire.com

Witness my signature at _____ Lincoln, Nebraska, this _____ day of _____, 2016.

By _____
Deputy State Fire Marshal Cheryl Eisenhart, 68171

NFPA (2.201)

It is the duty of the owner or person in charge of the above named facility to immediately take measures to bring the facility into compliance with state regulations. **ALL CORRECTIONS SHALL BE MADE AND ALL ITEMS CORRECTED ON OR BEFORE. Before the Building can be occupied.**

Why was this document left out on June 28th? As shown before, two pages were included and one said "page 3 of 3". Neither of the above 1 of 3 or 2 of 3 were included.

FOUR events took place inside the "barn" after May 20th when they were aware of these issues. 9 of 88

Issue with Fire Marshal Document Presented June 28th

Issue #3 - Fire Marshal Document – Included in July 7th, 2016 Staff Meeting Minutes (part of Exhibit D – 5 Pages – Pages 20-24) (& 57-61 of 88 of reference guide)

Page 3 of 3

STATE OF NEBRASKA - STATE FIRE MARSHAL
300 SOUTH 66TH STREET
LINCOLN, NE 68506-1004

Includes 2 items response:

1. Filiberto Everts will have plans submitted by 5/28/16 to the Fire Marshal's office. The plans currently in the process of contacting architect and engineer to get plans finalized.
2. Filiberto Everts will submit plans for the fire alarm system by 5/28/16. The work is being set up and planned to get the fire alarm system installed.
3. Consenting on the final outcome of pending Filiberto Everts may or may not be reached to install a fire alarm system. If a system is required plans will be submitted by 5/28/16.
4. The plans for the north and hallway will be submitted on the plans in number 1 by 5/28/16.
5. The firewalls will be replaced by 8/1/16. The correct drawings by 8/1/16. It will take a few weeks to get the firewalls done, as they have to order them and have them shipped.
6. The main and aux fire alarm will be completed by 9/30/16.
7. The main and aux fire alarm will be installed in the direction of agency. The main and aux alarm will be installed in the direction of agency currently. The north and east will be installed in the direction of agency. The north and east will be installed by 8/2/16 per the fire alarm report.
8. Plans for main and aux fire alarm will be submitted by 8/2/16. Plans for main and aux fire alarm will be submitted by 8/2/16. Plans for main and aux fire alarm will be submitted by 8/2/16.
9. Plans will be submitted by 8/2/16 with a plan for occupancy load number. We are currently working with our architect on finalizing the plans. In the meantime, we will have a plan for occupancy load number. We are currently working with our architect on finalizing the plans. In the meantime, we will have a plan for occupancy load number.
10. Plans will be submitted by 8/2/16 with a plan for occupancy load number. We are currently working with our architect on finalizing the plans. In the meantime, we will have a plan for occupancy load number.
11. Plans for emergency lighting inside of the building will be submitted with the plans in number 1 by 5/28/16. Emergency lighting will be installed by 7/15/16. It will take a few weeks to get the lighting order in, then another week or two to get them installed, and a few weeks to get all power permits pulled.
12. Plans for emergency lighting inside of the building will be submitted with the plans in number 1 by 5/28/16. Emergency lighting will be installed by 7/15/16. It will take a few weeks to get the lighting order in, then another week or two to get them installed, and a few weeks to get all power permits pulled.
13. Filiberto Everts will provide documentation of the fire alarm rating by 7/28/16. If we cannot, we will apply another project to meet the rating by 7/28/16.
14. Filiberto Everts will provide information and document for electrical by 8/2/16. We are currently working with building and safety with an exact plan.
15. Filiberto Everts will identify the building with a sign by 7/28/16.

Thank you,
Nelsing and Tyler Smith
Filiberto Everts

Includes Everts Dates and status of permits:

- 5/27 Working and revision 180-173 permit
- 5/28 Working and revision 181-173 permit
- 5/29 Working and revision 175 permit
- 6/1 Working and revision 201 permit
- 6/2 Working and revision 202 permit
- 7/16 Working and revision 202 permit
- 8/1 Working and revision 181 permit
- 8/2 Working and revision 182 permit
- 8/3 Working and revision 183 permit
- 8/4 Working and revision 184 permit
- 8/5 Working and revision 185 permit
- 8/6 Working and revision 186 permit
- 8/7 Working and revision 187 permit
- 8/8 Working and revision 188 permit
- 8/9 Working and revision 189 permit
- 8/10 Working and revision 190 permit
- 8/11 Working and revision 191 permit
- 8/12 Working and revision 192 permit
- 8/13 Working and revision 193 permit
- 8/14 Working and revision 194 permit
- 8/15 Working and revision 195 permit
- 8/16 Working and revision 196 permit
- 8/17 Working and revision 197 permit
- 8/18 Working and revision 198 permit
- 8/19 Working and revision 199 permit
- 8/20 Working and revision 200 permit
- 8/21 Working and revision 201 permit
- 8/22 Working and revision 202 permit
- 8/23 Working and revision 203 permit
- 8/24 Working and revision 204 permit
- 8/25 Working and revision 205 permit
- 8/26 Working and revision 206 permit
- 8/27 Working and revision 207 permit
- 8/28 Working and revision 208 permit
- 8/29 Working and revision 209 permit
- 8/30 Working and revision 210 permit
- 8/31 Working and revision 211 permit
- 9/1 Working and revision 212 permit
- 9/2 Working and revision 213 permit
- 9/3 Working and revision 214 permit
- 9/4 Working and revision 215 permit
- 9/5 Working and revision 216 permit
- 9/6 Working and revision 217 permit
- 9/7 Working and revision 218 permit
- 9/8 Working and revision 219 permit
- 9/9 Working and revision 220 permit
- 9/10 Working and revision 221 permit
- 9/11 Working and revision 222 permit
- 9/12 Working and revision 223 permit
- 9/13 Working and revision 224 permit
- 9/14 Working and revision 225 permit
- 9/15 Working and revision 226 permit
- 9/16 Working and revision 227 permit
- 9/17 Working and revision 228 permit
- 9/18 Working and revision 229 permit
- 9/19 Working and revision 230 permit
- 9/20 Working and revision 231 permit
- 9/21 Working and revision 232 permit
- 9/22 Working and revision 233 permit
- 9/23 Working and revision 234 permit
- 9/24 Working and revision 235 permit
- 9/25 Working and revision 236 permit
- 9/26 Working and revision 237 permit
- 9/27 Working and revision 238 permit
- 9/28 Working and revision 239 permit
- 9/29 Working and revision 240 permit
- 9/30 Working and revision 241 permit
- 10/1 Working and revision 242 permit
- 10/2 Working and revision 243 permit
- 10/3 Working and revision 244 permit
- 10/4 Working and revision 245 permit
- 10/5 Working and revision 246 permit
- 10/6 Working and revision 247 permit
- 10/7 Working and revision 248 permit
- 10/8 Working and revision 249 permit
- 10/9 Working and revision 250 permit
- 10/10 Working and revision 251 permit
- 10/11 Working and revision 252 permit
- 10/12 Working and revision 253 permit
- 10/13 Working and revision 254 permit
- 10/14 Working and revision 255 permit
- 10/15 Working and revision 256 permit
- 10/16 Working and revision 257 permit
- 10/17 Working and revision 258 permit
- 10/18 Working and revision 259 permit
- 10/19 Working and revision 260 permit
- 10/20 Working and revision 261 permit
- 10/21 Working and revision 262 permit
- 10/22 Working and revision 263 permit
- 10/23 Working and revision 264 permit
- 10/24 Working and revision 265 permit
- 10/25 Working and revision 266 permit
- 10/26 Working and revision 267 permit
- 10/27 Working and revision 268 permit
- 10/28 Working and revision 269 permit
- 10/29 Working and revision 270 permit
- 10/30 Working and revision 271 permit
- 10/31 Working and revision 272 permit
- 11/1 Working and revision 273 permit
- 11/2 Working and revision 274 permit
- 11/3 Working and revision 275 permit
- 11/4 Working and revision 276 permit
- 11/5 Working and revision 277 permit
- 11/6 Working and revision 278 permit
- 11/7 Working and revision 279 permit
- 11/8 Working and revision 280 permit
- 11/9 Working and revision 281 permit
- 11/10 Working and revision 282 permit
- 11/11 Working and revision 283 permit
- 11/12 Working and revision 284 permit
- 11/13 Working and revision 285 permit
- 11/14 Working and revision 286 permit
- 11/15 Working and revision 287 permit
- 11/16 Working and revision 288 permit
- 11/17 Working and revision 289 permit
- 11/18 Working and revision 290 permit
- 11/19 Working and revision 291 permit
- 11/20 Working and revision 292 permit
- 11/21 Working and revision 293 permit
- 11/22 Working and revision 294 permit
- 11/23 Working and revision 295 permit
- 11/24 Working and revision 296 permit
- 11/25 Working and revision 297 permit
- 11/26 Working and revision 298 permit
- 11/27 Working and revision 299 permit
- 11/28 Working and revision 300 permit
- 11/29 Working and revision 301 permit
- 11/30 Working and revision 302 permit
- 12/1 Working and revision 303 permit
- 12/2 Working and revision 304 permit
- 12/3 Working and revision 305 permit
- 12/4 Working and revision 306 permit
- 12/5 Working and revision 307 permit
- 12/6 Working and revision 308 permit
- 12/7 Working and revision 309 permit
- 12/8 Working and revision 310 permit
- 12/9 Working and revision 311 permit
- 12/10 Working and revision 312 permit
- 12/11 Working and revision 313 permit
- 12/12 Working and revision 314 permit
- 12/13 Working and revision 315 permit
- 12/14 Working and revision 316 permit
- 12/15 Working and revision 317 permit
- 12/16 Working and revision 318 permit
- 12/17 Working and revision 319 permit
- 12/18 Working and revision 320 permit
- 12/19 Working and revision 321 permit
- 12/20 Working and revision 322 permit
- 12/21 Working and revision 323 permit
- 12/22 Working and revision 324 permit
- 12/23 Working and revision 325 permit
- 12/24 Working and revision 326 permit
- 12/25 Working and revision 327 permit
- 12/26 Working and revision 328 permit
- 12/27 Working and revision 329 permit
- 12/28 Working and revision 330 permit
- 12/29 Working and revision 331 permit
- 12/30 Working and revision 332 permit
- 12/31 Working and revision 333 permit

STATE OF NEBRASKA

05/20/16

Tyler & Melissa Smith
H.H. Events
1940 West Dakota Road
Dawson, NE 68529

Mr. & Mrs. Smith

On 4/19/2016 your facility H.H. Events was inspected by the State Fire Marshal's Office after receiving a complaint regarding fire alarm. Orders were written by Deputy Chief, Business regarding the safety issues on May 18, 2016. On May 20, 2016 I received a plan of correction from Filiberto Everts, the plan of correction was reviewed and was found to be acceptable. Please be advised that you have 30 days to complete the plan of correction that was submitted to this Office and approved.

Please be advised that with the approval of your plan of correction you may operate your business until you are approved for occupancy for the building per your plan of correction.

Bob Slight
Bob Slight
Chief Deputy
NE State Fire Marshal

NEBRASKA
Agriculture
Commerce
Energy
Environment
Health and Human Services
Labor and Industry
Law and Public Safety
Legislative Services
Military and Veterans Affairs
Natural Resources
Revenue
Transportation
Tourism and Cultural Heritage
Workforce Development

Equal Opportunity - Nebraska State Government

Page 3 of 3

STATE OF NEBRASKA - STATE FIRE MARSHAL
300 SOUTH 66TH STREET
LINCOLN, NE 68506-1004

Includes 2 items response:

1. Filiberto Everts will have plans submitted by 5/28/16 to the Fire Marshal's office. The plans currently in the process of contacting architect and engineer to get plans finalized.
2. Filiberto Everts will submit plans for the fire alarm system by 5/28/16. The work is being set up and planned to get the fire alarm system installed.
3. Consenting on the final outcome of pending Filiberto Everts may or may not be reached to install a fire alarm system. If a system is required plans will be submitted by 5/28/16.
4. The plans for the north and hallway will be submitted on the plans in number 1 by 5/28/16.
5. The firewalls will be replaced by 8/1/16. The correct drawings by 8/1/16. It will take a few weeks to get the firewalls done, as they have to order them and have them shipped.
6. The main and aux fire alarm will be completed by 9/30/16.
7. The main and aux fire alarm will be installed in the direction of agency. The main and aux alarm will be installed in the direction of agency currently. The north and east will be installed in the direction of agency. The north and east will be installed by 8/2/16 per the fire alarm report.
8. Plans for main and aux fire alarm will be submitted by 8/2/16. Plans for main and aux fire alarm will be submitted by 8/2/16. Plans for main and aux fire alarm will be submitted by 8/2/16.
9. Plans will be submitted by 8/2/16 with a plan for occupancy load number. We are currently working with our architect on finalizing the plans. In the meantime, we will have a plan for occupancy load number.
10. Plans will be submitted by 8/2/16 with a plan for occupancy load number. We are currently working with our architect on finalizing the plans. In the meantime, we will have a plan for occupancy load number.
11. Plans for emergency lighting inside of the building will be submitted with the plans in number 1 by 5/28/16. Emergency lighting will be installed by 7/15/16. It will take a few weeks to get the lighting order in, then another week or two to get them installed, and a few weeks to get all power permits pulled.
12. Plans for emergency lighting inside of the building will be submitted with the plans in number 1 by 5/28/16. Emergency lighting will be installed by 7/15/16. It will take a few weeks to get the lighting order in, then another week or two to get them installed, and a few weeks to get all power permits pulled.
13. Filiberto Everts will provide documentation of the fire alarm rating by 7/28/16. If we cannot, we will apply another project to meet the rating by 7/28/16.
14. Filiberto Everts will provide information and document for electrical by 8/2/16. We are currently working with building and safety with an exact plan.
15. Filiberto Everts will identify the building with a sign by 7/28/16.

Thank you,
Nelsing and Tyler Smith
Filiberto Everts

Includes Everts Dates and status of permits:

- 5/27 Working and revision 180-173 permit
- 5/28 Working and revision 181-173 permit
- 5/29 Working and revision 175 permit
- 6/1 Working and revision 201 permit
- 6/2 Working and revision 202 permit
- 7/16 Working and revision 202 permit
- 8/1 Working and revision 181 permit
- 8/2 Working and revision 182 permit
- 8/3 Working and revision 183 permit
- 8/4 Working and revision 184 permit
- 8/5 Working and revision 185 permit
- 8/6 Working and revision 186 permit
- 8/7 Working and revision 187 permit
- 8/8 Working and revision 188 permit
- 8/9 Working and revision 189 permit
- 8/10 Working and revision 190 permit
- 8/11 Working and revision 191 permit
- 8/12 Working and revision 192 permit
- 8/13 Working and revision 193 permit
- 8/14 Working and revision 194 permit
- 8/15 Working and revision 195 permit
- 8/16 Working and revision 196 permit
- 8/17 Working and revision 197 permit
- 8/18 Working and revision 198 permit
- 8/19 Working and revision 199 permit
- 8/20 Working and revision 200 permit
- 8/21 Working and revision 201 permit
- 8/22 Working and revision 202 permit
- 8/23 Working and revision 203 permit
- 8/24 Working and revision 204 permit
- 8/25 Working and revision 205 permit
- 8/26 Working and revision 206 permit
- 8/27 Working and revision 207 permit
- 8/28 Working and revision 208 permit
- 8/29 Working and revision 209 permit
- 8/30 Working and revision 210 permit
- 8/31 Working and revision 211 permit
- 9/1 Working and revision 212 permit
- 9/2 Working and revision 213 permit
- 9/3 Working and revision 214 permit
- 9/4 Working and revision 215 permit
- 9/5 Working and revision 216 permit
- 9/6 Working and revision 217 permit
- 9/7 Working and revision 218 permit
- 9/8 Working and revision 219 permit
- 9/9 Working and revision 220 permit
- 9/10 Working and revision 221 permit
- 9/11 Working and revision 222 permit
- 9/12 Working and revision 223 permit
- 9/13 Working and revision 224 permit
- 9/14 Working and revision 225 permit
- 9/15 Working and revision 226 permit
- 9/16 Working and revision 227 permit
- 9/17 Working and revision 228 permit
- 9/18 Working and revision 229 permit
- 9/19 Working and revision 230 permit
- 9/20 Working and revision 231 permit
- 9/21 Working and revision 232 permit
- 9/22 Working and revision 233 permit
- 9/23 Working and revision 234 permit
- 9/24 Working and revision 235 permit
- 9/25 Working and revision 236 permit
- 9/26 Working and revision 237 permit
- 9/27 Working and revision 238 permit
- 9/28 Working and revision 239 permit
- 9/29 Working and revision 240 permit
- 9/30 Working and revision 241 permit
- 10/1 Working and revision 242 permit
- 10/2 Working and revision 243 permit
- 10/3 Working and revision 244 permit
- 10/4 Working and revision 245 permit
- 10/5 Working and revision 246 permit
- 10/6 Working and revision 247 permit
- 10/7 Working and revision 248 permit
- 10/8 Working and revision 249 permit
- 10/9 Working and revision 250 permit
- 10/10 Working and revision 251 permit
- 10/11 Working and revision 252 permit
- 10/12 Working and revision 253 permit
- 10/13 Working and revision 254 permit
- 10/14 Working and revision 255 permit
- 10/15 Working and revision 256 permit
- 10/16 Working and revision 257 permit
- 10/17 Working and revision 258 permit
- 10/18 Working and revision 259 permit
- 10/19 Working and revision 260 permit
- 10/20 Working and revision 261 permit
- 10/21 Working and revision 262 permit
- 10/22 Working and revision 263 permit
- 10/23 Working and revision 264 permit
- 10/24 Working and revision 265 permit
- 10/25 Working and revision 266 permit
- 10/26 Working and revision 267 permit
- 10/27 Working and revision 268 permit
- 10/28 Working and revision 269 permit
- 10/29 Working and revision 270 permit
- 10/30 Working and revision 271 permit
- 10/31 Working and revision 272 permit
- 11/1 Working and revision 273 permit
- 11/2 Working and revision 274 permit
- 11/3 Working and revision 275 permit
- 11/4 Working and revision 276 permit
- 11/5 Working and revision 277 permit
- 11/6 Working and revision 278 permit
- 11/7 Working and revision 279 permit
- 11/8 Working and revision 280 permit
- 11/9 Working and revision 281 permit
- 11/10 Working and revision 282 permit
- 11/11 Working and revision 283 permit
- 11/12 Working and revision 284 permit
- 11/13 Working and revision 285 permit
- 11/14 Working and revision 286 permit
- 11/15 Working and revision 287 permit
- 11/16 Working and revision 288 permit
- 11/17 Working and revision 289 permit
- 11/18 Working and revision 290 permit
- 11/19 Working and revision 291 permit
- 11/20 Working and revision 292 permit
- 11/21 Working and revision 293 permit
- 11/22 Working and revision 294 permit
- 11/23 Working and revision 295 permit
- 11/24 Working and revision 296 permit
- 11/25 Working and revision 297 permit
- 11/26 Working and revision 298 permit
- 11/27 Working and revision 299 permit
- 11/28 Working and revision 300 permit
- 11/29 Working and revision 301 permit
- 11/30 Working and revision 302 permit
- 12/1 Working and revision 303 permit
- 12/2 Working and revision 304 permit
- 12/3 Working and revision 305 permit
- 12/4 Working and revision 306 permit
- 12/5 Working and revision 307 permit
- 12/6 Working and revision 308 permit
- 12/7 Working and revision 309 permit
- 12/8 Working and revision 310 permit
- 12/9 Working and revision 311 permit
- 12/10 Working and revision 312 permit
- 12/11 Working and revision 313 permit
- 12/12 Working and revision 314 permit
- 12/13 Working and revision 315 permit
- 12/14 Working and revision 316 permit
- 12/15 Working and revision 317 permit
- 12/16 Working and revision 318 permit
- 12/17 Working and revision 319 permit
- 12/18 Working and revision 320 permit
- 12/19 Working and revision 321 permit
- 12/20 Working and revision 322 permit
- 12/21 Working and revision 323 permit
- 12/22 Working and revision 324 permit
- 12/23 Working and revision 325 permit
- 12/24 Working and revision 326 permit
- 12/25 Working and revision 327 permit
- 12/26 Working and revision 328 permit
- 12/27 Working and revision 329 permit
- 12/28 Working and revision 330 permit
- 12/29 Working and revision 331 permit
- 12/30 Working and revision 332 permit
- 12/31 Working and revision 333 permit

APPROVED
By Bob Slight at 2:38 pm, May 20, 2016

8/29/16 2:38 PM

10 of 88

Issue with Fire Marshal Document Presented June 28th

Issue #3 - Fire Marshal Document – Included in July 7th, 2016 Staff Meeting Minutes (part of Exhibit D – Page 25) (& page 64 of 88 of reference guide)

- Based on staff meeting minutes from July 7th, the following correspondence took place that looks like Clint Rossman sent these documents (in full) including the two “missing” (page 1 of 3 and page 2 of 3) very important documents that were not included on June 28th. Page 3 of 3 was included on June 28th.

From: Rossman, Clint <clint.rossman@nebraska.gov>
Sent: Friday, July 1, 2016 10:20 AM
To: Amundson, Roma
Subject: FW: Plan completion

Roma

Thanks for the phone call. I have attached your request for the Hill Side Event Center. As of today 6-30-16 no plans have been submitted to the Fire Marshal's Office.

Thanks

Clint Rossman
Deputy State Fire Marshal 8727
246 South 14th Street
Lincoln, NE 68508-1804
Cell: 402-416-3040
Office: 402-471-2590
Fax: 402-471-3118

Issue with Fire Marshal Document Presented June 28th

Issue #4 – Deadline Not Met – Information Prior to The Deadline Included in July 7th, 2016 Staff Meeting Minutes (part of Exhibit D – Page 25)

- The “full” report was sent from the State Fire Marshal’s Office (Clint Rossman)
- Two very important pages were not included at the June 28th meeting. (page 1 of 3 and page 2 of 3)
- The end of July deadline was not met (with the information to complete based on document submitted June 28th, 2016).
 - It is now May 23rd, 2017 and it is obvious that they have not accomplished the full list of items shown on their original plan of correction presented on June 28th, 2016 (page 3 of 3).

Amundson felt the County Board is attempting to make zoning changes on a building that does not meet codes and is not approved for occupancy. She suggested the Board take a long-range view, questioning whether Hillside Events is really a facility the Board would want to use as a prototype for changes to zoning standards. Amundson disseminated several documents: 1) A Memorandum from Steve Henrichsen, Development Review Manager, Lincoln/Lancaster County Planning Department, regarding regulation compliance at Hillside Event Center; 2) Report and correspondence from the State Fire Marshal’s Office regarding inspection of the facility and a plan for correction; 3) Related correspondence regarding standard requirement/conditions that would cover Building and Safety concerns (Exhibit D). She noted the owners of Hillside Events were notified on April 19th that the facility was not approved for occupancy and continued to hold events.

Schorr exited the meeting at 10:09 a.m.

Amundson said the State Fire Marshal indicated 15 conditions would need to be met. A plan for corrections was submitted on July 6th but has not been approved. She felt all the conditions should be met before the Board talks about potential zoning changes.

Source: July 7th, 2016 Staff Meeting Minutes – Page 8 (page 52 of 88 of reference guide)

Other Issues – June 28th, 2016 Meeting

- **Issue #5 - Statements** regarding noise and disturbance. ***“All of the events here are indoors.”*** and ***“because this is an indoor venue”*** – June 28th, 2016 Lancaster County Board Meeting
 - Outdoor patio area , noise from parking lot, we can hear music from inside the building, etc.
 - These all cause disturbances to area properties and this misleading statement could have affected the perceptions and voting.
 - This was used for justification for longer timeframe throughout the year.
 - **4:53 and 5:36 on video** - <https://youtu.be/Lesdeo6Sxy8>
- **Issue #6 - Misleading information regarding lighting from the barn (under oath)** – Attorney for the applicant stated, ***“...with respect to some of the bright lights that you saw in the presentation, the main light that you saw on the barn has been disconnected, as soon as it was requested, or as soon as there was a complaint made about that light...”*** – 54:20 on video - <https://youtu.be/Lesdeo6Sxy8>
 - At the May 25th planning commission, the record (on minutes page 12) shows as follows:

Lust asked Hunzeker to address the complaints. Hunzeker said in the country, many people have security lights that burn 24 hours. There used to be LED lights on the barn, but those have been disconnected. There are other lights around doorways and the yard, but those are not the ones in question. The noise level is very low. He showed a video to illustrate that even near the barn the sound is quite low.
 - Why did we have ongoing issues with these lights disrupting our peace and sleep after they were then reconnected after the permit was granted? Is this being a “good neighbor?”
 - At the May 25th planning commission meeting the statement was made that ***“they are no longer operable.”***
 - They were aware many times how these lights affected us and people even a mile away (the Olsens)

Note: I feel that the Smiths attorney is a good and reputable attorney and was just communicating the information provided to him by the Smiths. That is my opinion and assumption. Regardless, it became a part of the record and the information is not correct and could have influenced a vote.

Issue #7 - Inaccurate information on time of conclusion of events (for events held through 6/28/17) - "They have concluded these events by 11 PM" – 6:46 Video - <https://youtu.be/Lesdeo6Sxy8>

- This is completely NOT TRUE.
- Their contract even shows differently, there is a schedule that shows differently and we have video and other information that shows otherwise.
- This inaccurate information could have affected the perceptions and voting.

Note: Music must end by 10:00pm during the weeknights and by midnight on the weekends. Additional time can easily be added provided the volume is modest and it cannot be heard beyond the boundaries of the property or by immediate neighbors. Initials.

The Big Day

The Wedding

Saturday, May 14th, 2016 at 4:30 pm

3:30PM - There will be a SINGLE bus leaving the Holiday Inn Southwest (47th and Pine Lake) to the ceremony at Hillside Events. This will be the ONLY bus, so don't be late! If you've RSVP'd that you are driving and you would like to take the bus instead, re-do your RSVP on this site ASAP so we know there will be enough room for everyone.

3:45PM - The bus will stop at Quality Inn on S 14th Street to pick up any guests staying there. It will leave shortly after stopping.

4:30PM - The Ceremony!

5:00PM - Complimentary cocktail hour.

6:00PM - Dinner and Dancing!

8:00PM - The bus will begin taking people back to the Hotels throughout the night (every hour or so). If you aren't staying at the hotel and you've been drinking, the last two trips will also stop downtown so you can easily get a cab home.

Midnight - The last bus of the night will leave Hillside Events. If you've RSVP'd that you have your own way home but would like to switch it to take the bus, re-do your RSVP on this site ASAP so we know there will be enough room for everyone.

Hillside Events

12400 W Denton Rd, Denton, NE 68713

1

Contract regarding "midnight on the weekends" (for music must end by); sent to me by a contract holder whom had their wedding cancelled at Hillside Events.

2

Website for a wedding that took place on May 14th and shows midnight for the end time.

3

On April 30th, 2016 we had lights shining into our house until 1:30 AM after an event that went well past midnight.

Issue #8 – The Thousands of People Affected Already.

"It's, the conversation has always been about your customer; those individuals who are having a wedding. The invitations have been mailed and it would be very disruptive and so, that's why, moving forward, you are on record and you know that you are not in compliance."

- On April 12th, 2016, Tom Cajka stated at a Commissioner Meeting, "He said he has notified the property owners that holding events is in violation of the County's zoning ordinance and that they would need to apply for an expanded home occupation permit." (See page 32 and 33 of reference guide)
- Stephen Henrichsen Memo Dated June 29th, 2016 (excerpts) – (Full document on page 56 of 88 of guide)

At the public hearing on June 28th, there were several references to the state of compliance with zoning and building code regulations at 12400 West Denton Road, which has been operating as the Hillside Event Center. To be clear, the use of this property is not in compliance with either zoning or building/fire code regulations. The Building & Safety Department, Planning Department and County Attorney's Office have told the owners that they should not operate on the site until they are in full compliance with all zoning regulations and all building and fire codes. It is very important for the public's safety that they not operate an indoor facility that does not meet all the building and fire codes.

As of April 19, 2016, the owners were notified the building was not approved for occupancy. It is our understanding that despite this notification they have continued to hold large events in the building.

From April 19th, 2016 Lancaster County Board Meeting Minutes – Page 5 (35 of 88 of reference guide)

Kathe stated that a fire would be the greatest concern. He added that emergency lighting could also be an issue.

Three SDL's Were Applied For; Unknown How Many Were Actually Used – Potential Issues with SDL's & Nebraska Liquor Control Act

Statute 53-125 - <http://nebraskalegislature.gov/laws/statutes.php?statute=53-125> –

According to this – No license of any kind shall be issued to (14) a person seeking a license for premises which do not meet standards for fire safety as established by the State Fire Marshal.

Chapter 53 Section 1,101

53-1,101.

Owner of premises or agent knowing of violations; penalty.

If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, knowingly permits the licensee to use such licensed premises in violation of the terms of the Nebraska Liquor Control Act, such owner, agent, or other person shall be deemed guilty of a violation of the act to the same extent as such licensee and be subject to the same punishment.

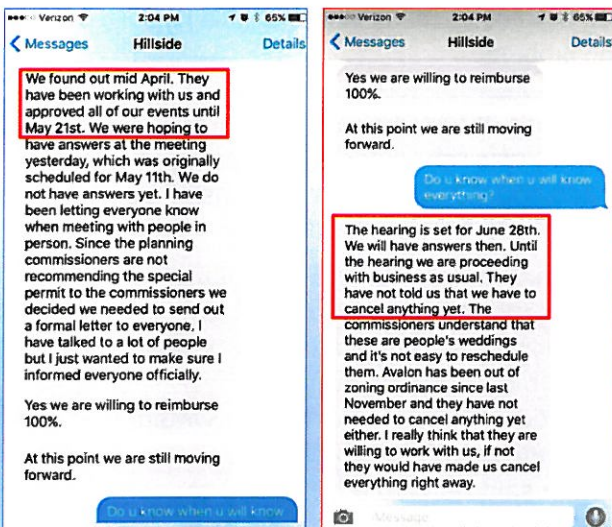
Issue #8 – The Thousands Affected Already.

"It's, the conversation has always been about your customer, those individuals who are having a wedding. The invitations have been mailed and it would be very disruptive and so, that's why, moving forward, you are on record and you know that you are not in compliance."

Planned Event Date	Event Size Estimate	Information	Event Size Information
April 23rd, 2016	175	According to memo from Stephen Henriksen, as of April 19th, 2016, the owners were notified the building was NOT approved for occupancy. "the use of this property is not in compliance with either zoning or building/fire code regulations."	On June 28th, Melissa Smith stated the average attendance for events that have taken place so far was between 250 and 200 guests, with the largest being 300. Source - Fire Marshal Document (shows 150-175), average = 163
April 30th, 2016 - SDL applied for*	175		
May 7th, 2016 - SDL applied for*	175		
May 14th, 2016	175		
May 21st, 2016 - SDL applied for*	163		
May 28th, 2016	150		
June 25th, 2016	200		
July 16th, 2016	300	Event Cancelled By One Party or Another	Source - Fire Marshal Document
August 20th, 2016	200	Event Cancelled By One Party or Another	Source - Fire Marshal Document (shows (outside))
September 3rd, 2016	200	Event Cancelled By One Party or Another	Source - Fire Marshal Document
September 4th, 2016	200	Event Cancelled By One Party or Another	Source - Fire Marshal Document
September 10th, 2016	175	Event Cancelled By One Party or Another	Source - Fire Marshal Document
September 16th, 2016	150	Event Cancelled By One Party or Another	Source - Fire Marshal Document
September 17th, 2016	250	Event Cancelled By One Party or Another	Source - Fire Marshal Document (shows (outside))
September 24th, 2016	100	Event Cancelled By One Party or Another	Source - Fire Marshal Document
October 1st, 2016	275	Event Cancelled By One Party or Another	Source - Fire Marshal Document
October 7th, 2016	200	Event Cancelled By One Party or Another	Source - Fire Marshal Document
October 8th, 2016	200	Event Cancelled By One Party or Another	Source - Fire Marshal Document
October 15th, 2016	300	Event Cancelled By One Party or Another	Source - Fire Marshal Document (shows (outside))
Sum of Events Held (Inside) 4/23 through 6/25	1213	Events Held While "Not Approved for occupancy". On April 19th, 2016 at the Lancaster County Board Meeting when Terry Kathe (Building & Safety Manager) was asked by Commissioner Schorr, "What is the major safety factor that has been brought to your attention?" His response - "Fire would be the main thing obviously."	
Sum of Events Cancelled	2550	Note: A wedding was also held on June 4th, but records show it was outside (275 people according to fire marshal document)	
Total (Estimate)	3,763		
How Many More Events Were Cancelled So Far in 2017??			
* - Potential Issues with Nebraska Liquor Control Act if SDL's were used. Statute 53-125. No license of any kind shall be issued to (14) a person seeking a license for premises which do not meet standards for fire safety as established by the State Fire Marshal.			
Statute 53-1,101. "If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, knowingly permits the licensee to use such licensed premises in violation of the terms of the Nebraska Liquor Control Act, such owner, agent, or other person shall be deemed guilty of a violation of the act to the same extent as such licensee and be subject to the same			
Statute 53-198. "Places operated in violation of act; declared common nuisances"			

Issue #8 – The Thousands Affected Already.

"It's, the conversation has always been about your customer, those individuals who are having a wedding. The invitations have been mailed and it would be very disruptive and so, that's why, moving forward, you are on record and you know that you are not in compliance."



Texts between May 26th and June 3rd
between a contract holder and "Hillside"

- Communication between "Hillside" and a couple that had an event planned there in the Fall (2016) (but had to cancel due to the issues with the use of the building)
- This couple was informed on or about May 26th, 2016 of the issues with zoning ordinance.
- Yet they (the Smiths) actually were informed on or about April 12th.
- This put this couple in a very bad situation and issues with all of the items that they had already lined up and spent thousands of dollars on (according to information communicated by them).
- Those roughly six weeks from knowing and informing were critical for them to potentially find another venue if they wanted to at that time.

Text Content

- **"Approved all of our events until May 21st"**
 - Really? No, not true. False information to a contract holder.
- **"Until the hearing we are proceeding with business as usual. They have not told us that we have to cancel anything yet."**
- How much did this affect the vote? See video – June 28th, 2016
 - 1:07:20 - <https://youtu.be/Lesdeo6Sxy8>

County Board Fact Sheet Regarding Hillside Events

5. The Lancaster County Zoning Regulations were amended in September 2009 to allow Expanded Home Occupation by special permit. The intent was to allow small family owned businesses to operate out of their homes. The business is to be accessory to the residential use of the property and operated by the family occupying the residence. This condition makes it more likely that the business will be a "good neighbor." The business should not detract from the peace and enjoyment of surrounding properties

Trust, Honesty, and Transparency are Necessary For Permits Such As This. If agreements were broken between the Commissioners and Applicants (scheduling more events or what was scheduled for instance) (if this is found to be the case) how can they be responsible for the head count? And other responsibilities?

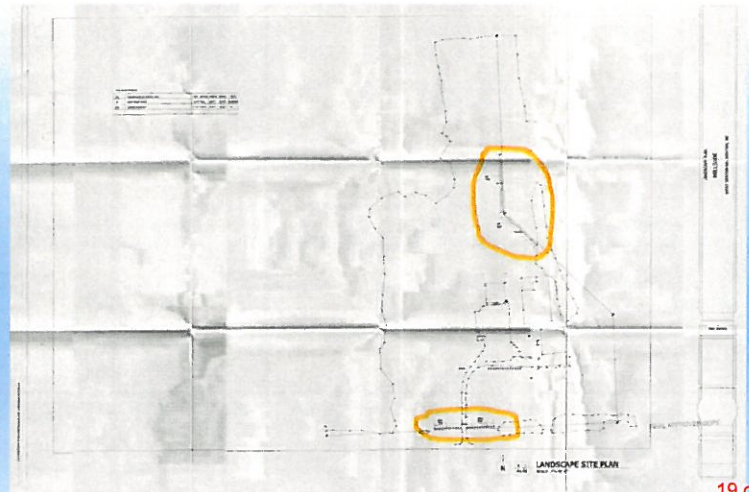
Wiltgen noted enforcement of conditions will be based on complaints and thought it would be better to regulate the number of events that could be held than trying to count the number of attendees. Avery felt the applicant should be responsible for the head count. Cajka agreed that the applicant is responsible for meeting any and all conditions placed on the special permit and said a violation of the special permit would be a zoning code violation with Building and Safety responsible for enforcement. Blahak felt enforcement would be problematic. Wiltgen said he would be willing to compromise on Conditions 1 and 2 and allow events to be held from March 1st to November 30th and a higher limit of 275 attendees, as the applicant has suggested, but to limit the number of events to two per month.

Page 8 of
July 7th staff
meeting
minutes &
(52 of 88 of
reference
guide)

Issue #9 – Landscape Site Plan (no longer valid)

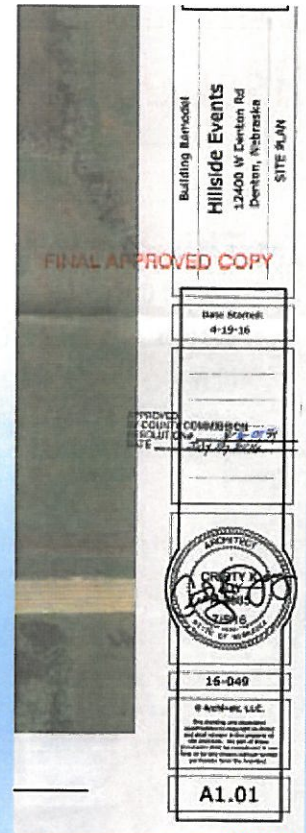
- This version was the “final approved copy” yet is no longer valid due to the 60% rule and there not being a landscape standard in the county
- If you are not aware, they need screening 60% from 0 to 10 feet now before holding events.
 - There was a discrepancy previously.

- And now it is unknown what this “updated” landscaping will look like for 550 feet.



Issue #9 – Landscape Site Plan (no longer valid)

- The other issue is that we (neighbors) did not have an opportunity to view this during the process.
- Posted to the planning website at some time after the July 12th vote.



Issue #10

Resolution Modification Presented at July 12th Meeting

- Resolution details with conditions as shown from July 7th, 2016 staff meeting minutes.
- See reference guide page 54 of 88 and page 55 of 88 for the full minutes.

Additional discussion took place regarding conditions, which were summarized as follows:

- Events up to 250 persons are allowed two days in any one calendar month from March 1st through November 30th.
- Any outside music is not allowed to use speakers or other forms of amplification.
- Any portion of an event held outdoors must conclude by 10:00 p.m.
- Fireworks are not allowed except on July 3rd and 4th.
- Owners shall provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the south and east property lines adjacent to any outdoor area or parking lot.

Page 10

BOC/STAFF/07/07/2016

- The special permit is granted for two years from the date of the County Board's approval.
- Any individual or entity dispensing alcohol on-site must be licensed under the Nebraska Liquor Control Act.
- Prior to occupancy, as required by Article 3.001aa (11) of the Lancaster County Zoning Resolution, the Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under the special permit.

Resolution Received via e-mail on July 11th at 8:15 AM

SITE SPECIFIC CONDITIONS

1. Events up to 250 persons are allowed two days in any one calendar month from March 1st through November 30th. No events are allowed between November 30th and March 1st.

(The limitation of two events per month effectively limits the number of people working on site. Thus, it eliminates the need to limit the number of persons working on site because events of this size are roughly equivalent to 80 hours of work on site)

2. Any outside music is not allowed to use speakers or other forms of amplification.

3. Any portion of an event held outdoors must conclude by 10:00 p.m.

4. Fireworks are not allowed except on July 3rd and 4th.

5. Owners shall provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the south and east property lines adjacent to the any outdoor area or parking lot.

6. The special permit is granted for two years from the date of the County Board's approval.

7. Any individual or entity dispensing alcohol on site must be licensed under the Nebraska Liquor Control Act

2

8. Prior to occupancy, as required by Article 13.001aa(11) of the Lancaster County Zoning Resolution, the Lincoln-Lancaster Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under this special permit.

- Site Specific Conditions Still The Same as Shown in the July 7th, 2016 staff meeting minutes.
- Sent to neighbors in the area that had previously testified or sent information regarding Hillside Events.
- We also received an e-mail on July 8th with a version that looks like this as well.

Original Message

Message ID: -120F603D704215479CAB172E0BACE230AC31E0@EXCHSRV05.cadom1.c.lincoln.ne.us-

Created at: Mon, Jul 11, 2016 at 8:15 AM (Delivered after 3 seconds)

From: "Geri K. Rorabaugh" <rorabaugh@lincoln.ne.gov>

To: "jody.rapp15@gmail.com" <jody.rapp15@gmail.com>; "annie olson@frespring.com" <annie.olson@frespring.com>; "lyndon.nelson@davisdesign.com" <lyndon.nelson@davisdesign.com>; "hillside.events@yahoo.com" <hillside.events@yahoo.com>; "jancosadins@live.com" <jancosadins@live.com>; "janeesjorns@live.com" <janeesjorns@live.com>; Jack Wollie <JWollie@wollosnowden.com>; Sean Fintel <sean.fintel@gmail.com>; Renee Wulf <reneewulf27@gmail.com>

Subject: Revised Proposed County Board Resolution - Special Permit No. 18021 - Hillside Events Center

SFF: PASS with IP: 199.48.10.10 Learn more

July 12th Resolution – R-16-0039

- At the July 12th, 2016 Lancaster County Board meeting (15:11 on video), counsel for the applicants (Derek Zimmerman) appeared and stated that:
- *“After discussing with our client a little bit further, we do have a few slight modifications to the resolution discussed by the board at last Thursday’s staff meeting. **I did submit those to the board, but it was later in the afternoon yesterday.** So, if you do not have a copy, I do have extra copies for you.”* (he stated to the Commissioners)
 - Todd Wiltgen replied – *“We don’t have them.”*
 - Some Commissioners did have them
 - He had a few copies with him.
 - Commissioner Amundson later stated, *“I don’t have a full packet.”*
 - *Members of the public did not have access to copies as we should have.*

C. Resolution in the matter of County Special Permit No. 16021, expanded home occupation for Hillside Events on property generally located at 12400 West Denton Road, Lancaster County, Nebraska. (R-16-0039)

Derek Zimmerman, Baylor Evnen Law Firm, appeared on behalf of the applicants. He presented the Board with modifications to the resolution (Exhibit B). Zimmerman said the applicant requests that item 1 under “site specific conditions” allow for gatherings such as rehearsals or clean up that is tied to the wedding event. He stated also the applicant requests to eliminate “site specific condition” item 8, which requires the permit be issued for two years. Zimmerman said there is a significant

- 2 -

investment involved with bringing the property into compliance only to possibly have the special permit revoked after two years.

Source: Meeting Minutes July 12th, 2016 - pages 2-3 (and pages 75 of 88 and 76 of 88 of reference guide)

[July 12th Video - https://youtu.be/NijbMc7HkxU](https://youtu.be/NijbMc7HkxU)

Exhibit B (revised resolution) referenced above can be found in the reference guide on pages 82 of 88 and 83 of 88.

July 12th Resolution – R-16-0039

- That morning prior to the meeting I asked if there were any reference documents or any items regarding SP16021 that we could see. There were none I was told.



- When counsel for the applicants discussed these resolution modifications (which were very significant) we had no idea about them.

- I was surprised and wanted to review them (and should have had the opportunity to) and even wrote by hand on my slide that I showed during my testimony at the hearing on July 12th (Exhibit D in the meeting minutes from July 12th page 199) as shown in the slide to the right.
- **“Why can’t we review the resolution modifications?”**
- Also shown on page 87 of 88 of reference guide

Multiple Reasons Based on Background & Documented Issues as to Why SP16021 Should NOT Be Approved and Why There Should be Concerns That This Will Be Managed Appropriately

----- Forwarded message -----
 From: Tom & Cathy [mailto:tomcathy@comcast.net]
 Date: Mon, Mar 2, 2016 at 9:21 AM
 Subject: RE: SP16021 (Hillside Farms) (2400 West Denton Road) Special Use Occupancy Permit & Safety Concerns with Location, Use, & Proposed Access Turnway & Compartment
 To: Neil Fries [mailto:neil.fries@cityofdenver.com]

I would like to let you know that Planning has turned this over to Building and Safety Department to be treated as a violation of the zoning ordinance. Building and Safety is the authorized agency. Planning, Building and Safety and the County Attorney. Contact them all about the permit to start operations until they have the special permit and their building is in compliance with all building codes.

Neil Fries
 Deputy Planner
 1 major projects & 2 minor projects
 801-461-3444

- 1) Lack of appropriate permits ahead of time and they have shown that there may be issues with "respect with authority" when they were allowed to proceed in the interim on a "probationary basis" and have also been told to "cease operations" on 5/2 and still proceeded and potentially put people at risk.
- 2) Issues with "illegal wastewater treatment system" that they did on their own - shows potential for a lack of "following rules" which would be very important when it comes to essentially self-regulation.
- 3) Significant issue with proximity to neighboring property (Wulf) to the east (~84 feet) which is well below the 200 feet requirement. This is very important considering they plan to have horses on this property. The right to farm policy should preclude any encroachment with something like this.

- 4) Multiple items that would require multiple waivers that if approved will significantly affect the neighboring properties (and this has already been documented that there are problems)
- 5) Lack of sufficient screening (even after the trees they have moved in) on the south and east side of the property.
- 6) Public safety concerns including lack of ability to respond to issues and for attendees to evacuate and for emergency personnel to arrive in small driveway.
- 7) Willingness concerns from people smoking and putting out cigarettes in the grass parking lot area.
- 8) Proceeding with "special designated liquor license" and putting a vendor at risk when they were to cease operations (for May 21st)
- 9) Concerns with the design of the road currently (and issues with dust and the inherent health concerns) and even when it is paved, it will not be able to safely handle that many people entering this commercial business without a turn lane.
- 10) Documented issues including:
 - Crowd, light, and noise control
 - Increased litter in the area
 - Trespassing (on our property and another property to the east)
 - Mr. Ballentine (in his letter) mentioned a theft issue (report on file in April)
 - Impeding traffic on West Denton Road
 - Building and safety code concerns
 - Issues with "keeping the peace" among their neighbors
 - Reckless driving and harassment issues by people at the "Hillside Events"
 - Public urination (2x)

→ Why can't we review the resolution modifications?
 - Denton Community

July 12th Resolution – R-16-0039

• **Significant** resolution modifications

- Item #1 was significant because it turns into two more nights per month (3/1 to 11/30) for neighbors to get interrupted and another “difficult to enforce” parameter with the “not involving more than 50 people”.
- It also makes this statement no longer valid as this wording is still the same as it was before (when only two EVENTS per month) not including prenuptial dinners.
 - This would exceed the 80 hours of work on site (with new parameters).
- Item #6 was included until July 12th as well and then all of a sudden they wanted it taken out. This was very important to leave in to ensure they were compliant and followed rules and were a “good neighbor” as was a part of the original planning document from 2008.
 - The “\$80K to \$100K” investment figure was used as rationale, yet did they have to prove this?
- Yet all of a sudden these were changed and we did not have the ability to see them?
- We were sent a document on July 11th, yet the important items that all of a sudden were changing were not on that document.
- **We should have had an opportunity to view that document that day.**
- **We DID NOT see this document until after the meeting minutes were posted online.**

SITE SPECIFIC CONDITIONS

1. Events up to 250 persons are allowed two days in any one calendar month from March 1st through November 30th, provided that a wedding event may also include gatherings such as wedding rehearsals and prenuptial dinners not involving more than 50 people. No events are allowed between November 30th and March 1st.

(The limitation of two events per month effectively limits the number of people working on site. Thus, it eliminates the need to limit the number of persons working on site because events of this size are roughly equivalent to 80 hours of work on site)

2. Any outside music is not allowed to use speakers or other forms of amplification.

3. Any portion of an event held outdoors must conclude by 10:00 p.m.

2

4. Fireworks are not allowed except on July 3rd and 4th.

5. Owners shall provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the south and east property lines adjacent to the any outdoor area or parking lot.

6. The special permit is granted for two years from the date of the County Board's approval.

7.6. Any individual or entity dispensing alcohol on site must be licensed under the Nebraska Liquor Control Act.

8.7. Prior to occupancy, as required by Article 13.001aa(11) of the Lancaster County Zoning Resolution, the Lincoln-Lancaster Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under this special permit.

Nebraska Open Meetings Act Issue

§ 84-1412. Meetings of public body; rights of public; public body; powers and duties.

(8) Public bodies shall make available at the meeting or the instate location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

SOURCE: Lancaster County Board website – Open Meetings Act

BASIC PROVISION

A. The basic statement of our state policy on public meetings is found at Neb. Rev. Stat. § 84-1408. That statute provides, "[I]t is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret. Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of the State of Nebraska, federal statutes, and the Open Meetings Act."

3. **Construction.** The open meetings laws should be broadly interpreted and liberally construed to obtain their objective of openness in favor of the public. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010); *State ex rel. Upper Republican Natural Resources District v. District Judges of the District Court for Chase County*, 273 Neb. 148, 728 N.W.2d 275 (2007); *State ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007); *Alderman v. County of Antelope*, 11 Neb. App. 412, 653 N.W.2d 1 (Neb. Ct. App. 2002); *Rauert v. School District I-R of Hall County*, 251 Neb. 135, 555 N.W.2d 763 (1996); *Grein, supra*. The beneficiaries of the openness sought by the Open Meetings Act include citizens, members of the general public, and reporters or other representatives of the news media. *State ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007).

Source: <https://ago.nebraska.gov/open-meetings>

- **“Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.”**

- **This is a perfect example of why the Nebraska Open Meetings Act exists.**

- **It is not right to “blindsided” affected individuals with allowing significant changes like this at the last minute in the process and then not even allow them to have a copy of that updated document at the hearing restricting their ability to be a part of “open government”.**

- **This is a part of “formation of public policy” and we were not able to fully be a part of that which has significantly affected our lives.**

“Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.”

**AGENDA
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, JULY 12, 2016
9:00 A.M.**

**COMMISSIONERS: Roma Amundson, Chair; Todd Wiltgen, Vice Chair;
Bill Avery; Larry Hudkins; and Deb Schorr**

Location Announcement of Nebraska Open Meetings Act: A copy of the Nebraska Open Meetings Act is located on the wall at the rear of the Hearing Room. Additionally, a copy of all written material to be discussed at today's open meeting is available from the County Clerk's staff. These materials can also be viewed on the County's web site at lancaster.ne.gov.

July 12th Video - <https://youtu.be/NijbMc7HkxU>

- The revised resolution was not available from the County Clerk and some of the County Commissioners did not even have it.
- I specifically asked if there were any handouts or reference items regarding Hillside Events before the meeting started and I was told there were none.
- At this meeting on July 12th, 2016, as previously shown on the slide that I presented, I had written *“Why can't we review the resolution modifications?”* and I also verbally stated at (1:22:07) on the video during the meeting, *“I would really like to see those resolution modifications. I think it is only right that the neighbors do get to see that.”*
- How can we fully be a part of the process when we do not have this to review and examine during the hearing and to discuss it during our 5 minutes as to how we feel that these resolution modifications would impact us as neighboring landowners?
- **Since these written materials (the updated resolution) were not available to the public, they SHOULD not have been allowed during the meeting. The resolution modifications should not have occurred.**
- **This resolution should be voided due to this issue with the Nebraska Open Meetings Act** of 88

Accountability & Review

- Let's say that on July 12th, 2016 the resolution would have been voted down on a vote of 3 to 2.

- But it was later found that there was proof that inaccurate information or misleading information or false information was provided multiple times by someone testifying in opposition that may have influenced the vote.

- What would be the recourse?
- Obviously the applicant could have then re-applied for the permit.
- And possibly those providing the information that was inaccurate may face other recourse as well.
- What is our recourse now that this information has been put in full view in front of you as Lancaster County Commissioners?

The Permit Was Granted on 7/12/16

- As Deputy County David Derbin discussed on that day regarding how a permit could be revoked, he discussed revocation vs. notice to come back into compliance when terms and conditions are not met such as number of attendees or number of events.
- “We would still have to look at the case and I don’t know that, at what point it would be decided to move to revocation vs. simply a notice to come back into compliance if it were a minor violation.”
- 22:52 on video
 - <https://youtu.be/NijbMc7HkxU>
- In a case like this where inaccurate information was presented at multiple public hearings and is public record, you can’t “undo” hearing that information and it becoming a part of the record.
- Inaccurate, misleading, or false information that is presented can and does influence how votes go, and in this case it was a 3 to 2 vote.
- Therefore this information should be reviewed through the public hearing process for potential revocation.
- 26:20 on Video – “Show cause” for revocation and this is cause.

Three Areas of Concern (10 Focus Issues)

- 1) Inaccurate (Information and Deadlines Not Met) and Excluded Information at Hearings
- 2) Issues With Resolution & Applicability
- 3) Resolution Modification Presented at July 12th Meeting

What are we asking for? Schedule a public hearing to proceed with discussion on revocation due to issues with information presented (and withheld) at the hearings and other issues related to the resolution or void the resolution due to issues that I will discuss.

"The issue is, really for us, and why it becomes a challenge and why we grant the exceptions, is not because we want to be lenient. That is not our M.O. It's, the conversation has always been about your customer, those individuals who are having a wedding. The invitations have been mailed and it would be very disruptive and so, that's why, moving forward, you are on record and you know that you are not in compliance." – Commissioner Todd Wiltgen (April 19th, 2016 County Commissioner Meeting)

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, APRIL 12, 2016
9:00 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 April 8, 2016.

Commissioners present: Roma Amundson, Chair; Todd Wiltgen, Vice-Chair; Bill Avery, Larry Hudkins and Deb Schorr

Others present: Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Kelly Lundgren, County Clerk's Office

The Chair called the meeting to order at 9:00 a.m., the pledge of allegiance was recited and the location of the Nebraska Open Meetings Act was announced.

1) MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 5, 2016.

MOTION: Wiltgen moved and Schorr seconded approval of the minutes. Hudkins, Schorr and Wiltgen voted aye. Amundson abstained. Avery did not vote. Motion carried 3-0 with one abstention and one not voting.

2) CLAIMS: Approval of all claims process through April 12, 2016.

MOTION: Schorr moved and Hudkins seconded approval of the claims. Hudkins, Schorr, Wiltgen, Avery and Amundson voted aye. Motion carried 5-0.

3) SPECIAL PRESENTATIONS:

A. Recognition of the County-City Building art exhibit – Jim Miklavcic, National Wildlife Artist

Jim Miklavcic, National Wildlife Artist, said he was honored to have his artwork displayed in the County-City Building and provided a brief overview of his art career. He stated that he especially enjoys working with endangered species and habitat protection organizations.

B. Commissioners' Award of Excellence – March Winner – Patrick Dugan, Weed Control, in the category of Productivity.

The Clerk read the nomination for the record. Amundson presented Dugan with the award and, on behalf of the Board, thanked him for his service to the County. Dugan thanked Brent Meyer, Weed Control Superintendent, for the nomination and the Board for their support and the award. Meyer stated that Dugan has been very innovative in educating the public on noxious weed control.

4) PUBLIC HEARING:

A. Class K liquor license application for Hillcrest Country Club, 9401 O Street, Lincoln, Nebraska.

The Chair opened the public hearing.

Andy Reetz, Hillcrest Country Club Manager, was administered the oath. Reetz appeared in support of the Class K liquor license. He said there have been requests by the Hillcrest Country Club members for additional off-site events. Reetz stated the Class K liquor license would allow for up to twelve special designated licenses.

No one appeared to testify in opposition or in a neutral position.

The Chair announced that the public hearing will remain open for one week at which time the Board will take action on the license.

5) NEW BUSINESS:

A. Consideration of bid received at the public sale conducted by the Lancaster County Sheriff's Office on March 31, 2016 pursuant to Lancaster County Board Resolution No. R-16-0017 for the sale of vacated portions of South 54th Street, as legally described in the Resolution.

Amundson stated one bid was received at the sale and the Board reviewed it at the April 7, 2016 Staff Meeting. She noted the bid was substantially lower than the fair market value appraisal.

MOTION: Hudkins moved and Schorr seconded to reject the bid. Schorr, Wiltgen, Hudkins and Amundson voted aye. Avery did not vote. Motion carried 4-0 with one not voting.

B. Special designated license application from Seward Grocery, LLC d/b/a Pac N' Save for an event to be held on April 30, 2016 at Hillside Events, 12400 West Denton Road, Denton, Nebraska.

Tim Folkerts, representing Pac N' Save, stated the special designated license (SDL) is for a wedding reception to be held at Hillside Events.

Schorr asked if Folkerts had previously provided alcoholic beverage service at this venue. Folkerts said he had not but had provided bartending service for Pac N' Save for approximately five years at various locations in Seward, Sarpy and York Counties.

In response to Hudkins' inquiry if the bartenders would be willing to participate in the Health Department's hospitality training, Folkerts answered yes.

MOTION: Wiltgen moved and Hudkins seconded approval of the special designated license application.

Tom Cajka, Lincoln-Lancaster Planning Department, stated that Hillside Events is zoned for agriculture, thus, it would not be properly zoned to hold events such as wedding receptions. He said

NEW BUSINESS CONTINUED:

he has notified the property owners that holding events is in violation of the County's zoning ordinance and that they would need to apply for an expanded home occupation permit. Cajka noted that two additional SDL applications for events at this venue will be scheduled on a future agenda.

Hudkins said he is very concerned that the event center is not properly zoned. He added that he did second the motion for discussion purposes but would not be supporting the motion.

Schorr questioned if the owners were intending to complete the necessary paperwork in order to be in compliance prior to the event. Cajka stated that while he has contacted the property owners, it would be impossible to have the permit approved by April 30 as it would likely not appear before the Planning Commission until the end of May.

Amundson noted that a similar situation (Avalon Event Paradise) arose last year whereby the Board granted approval of the SDL as it felt it would be unfair to the bride and groom to deny it.

Schorr asked if the application could be held for one week so the property owners could appear at the next Board meeting. Cori Beattie, Deputy County Clerk, said holding the application over would not allow enough time to process the SDL as the Nebraska Liquor Control Commission requires receipt of the County Board's recommendation a minimum of ten business days prior to the event.

Avery felt if an exception was made before under similar circumstances, the Board should not deny this application. Avery and Wiltgen both stated that they would be voting to approve the application. Wiltgen added that the property owners should be notified that the Board would not be approving any future SDLs until proper zoning is in place.

Beattie said the additional SDLs received are for events in May.

The Board discussed how proper zoning requirements could be better communicated with property owners. Cajka said often times the Planning Department is not aware such venue exists until a SDL application is submitted for recommendations such as in this case.

ROLL CALL: Wiltgen, Avery, Schorr and Amundson voted aye. Hudkins voted no. Motion carried 4-1.

Schorr asked Cajka and/or Beattie to contact the owners of Hillside Events and request they attend the April 19, 2016 County Board Meeting.

C. Amusement license application from NRG Media, LLC to hold an outdoor music concert (Frog Fest) on August 20, 2016 at Blue Stem Tree Farm, LLC, 5895 West Sprague Road, Crete, Nebraska.

Brooke Schulz, NRG Media Director of Marketing, stated she received the past letters of concern from neighboring property owners that were submitted to the County Clerk's Office. She said the organizers review the event each year. The concert is being moved to a Saturday which will allow people more time to get to the event. She noted additional on-site parking and message boards will be added this year to alert drivers of approaching traffic issues.

NEW BUSINESS CONTINUED:

D. Special designated license application from Meier's Wine, Inc. d/b/a Meier's Cork N' Bottle for a reception to be held on May 7, 2016 at Hillside Events, 12400 West Denton Road, Denton, Nebraska.

Cajka said the property is zoned agricultural with an existing house and having large events is in violation of the zoning code. He stated the property owners have submitted a special permit application. Cajka said a public hearing before the Planning Commission is scheduled on May 11, 2016. He noted the venue is a converted barn that the Building and Safety Department has not inspected or approved.

Terry Kathe, Building and Safety Manager, said building codes are involved when converting a barn into a social hall. He stated the owners are working with an architect and plans will then be submitted to Building and Safety. Kathe noted the Health Department has also contacted the owners regarding the septic system.

In response to Wiltgen's inquiry if he had any concerns, Meier answered they are a third party vendor and operate under the good faith assumption that venues are in compliance.

Tyler and Melissa Smith, Hillside Events, appeared to answer the Board's questions. Mr. Smith said they were unaware of the zoning requirements when they began renting the venue. He stated that he has done a majority of the work himself. Mr. Smith said the Fire Marshall will be doing an inspection today.

Wiltgen asked that the Smiths not schedule any additional events until the venue is properly zoned. Ms. Smith stated they are booked every Saturday until the end of July but would not take any additional requests until properly zoned.

Cajka stated the special permit will require the building to meet code requirements prior to approval by the Planning Commission and Board of Commissioners.

David Derbin, Deputy County Attorney, stated that the agenda item for approval is strictly the special designated liquor license. He said with regard to premise and licensing the Board would be insulated from liability unless it is reckless. Derbin said per the testimony just provided, there are definite safety concerns that could be deemed reckless. He noted the Board did approve a special designated license on April 12, 2016 for an event at this same venue. Derbin said the Board did not say zoning or planning requirements were being waived but felt today's conversation was starting to drift in that direction. Derbin advised the Board that it is questionable practice to start waiving building and safety codes and permitting. He added there is a process in place through the Planning Commission to properly address these concerns.

MOTION: Schorr moved to approve the special designated license application. Avery seconded with the caveat that some of the work is completed prior to the event.

Hudkins stated that he would not support the motion and will follow the County Attorney's advice. Schorr asked what the major safety factor is and could it be corrected.

NEW BUSINESS CONTINUED:

Kathe stated that a fire would be the greatest concern. He added that emergency lighting could also be an issue.

ROLL CALL: Avery, Wiltgen and Schorr voted aye. Hudkins and Amundson voted no. Motion carried 3-2.

Schorr exited the meeting at 10:30 a.m.

- E. Special designated license application from Ken's Liquor, Inc. for a reception to be held on May 21, 2016 at Hillside Events, 12400 West Denton Road, Denton, Nebraska.**

MOTION: Wiltgen moved and Avery seconded approval of the special designated license application. Wiltgen and Avery voted aye. Hudkins and Amundson voted no. Schorr was absent. Motion failed 2-2.

Schorr reentered the meeting at 10:33 a.m.

MOTION: Schorr moved and Hudkins seconded to reconsider Item 5E. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

Amundson asked for direction on Item 5E.

MOTION: Avery moved and Wiltgen seconded approval of the special designated license application. Wiltgen, Avery and Schorr voted aye. Hudkins and Amundson voted no. Motion carried 3-2.

- F. Special designated license application from Ken's Liquor, Inc. for a reception to be held on June 10, 2016 at Roca Ridge Events, 5265 Prairie Sage Drive, Roca, Nebraska.**

Kerry Eagan, Chief Administrative Officer, said this venue is located within the Village of Roca zoning jurisdiction. He stated it has been inspected but he was unable to speak with Dale Stertz who contracts with the Village of Roca for building inspections. Eagan said according to the Village Clerk the venue is authorized under their zoning guidelines.

MOTION: Wiltgen moved and Avery seconded approval of the special designated license. Avery, Schorr, Hudkins, Wiltgen and Amundson voted aye. Motion carried 5-0.

- G. Special designated license application from WunderRosa, LLC for the Cattlemen's Ball of Nebraska on June 4, 2016 to be held at 26969 Homestead Expressway, Princeton, Nebraska.**

Linda Wunderlich, WunderRosa Winery, said she will be donating the wine that she is serving at the Cattlemen's Ball.

NEW BUSINESS CONTINUED:

hold events such as this, if approved. He said Avalon has been aware of this requirement since September of 2015.

David Derbin, Deputy County Attorney, said an expanded home occupation special permit allows for two employees, a larger footprint and outside use. He stated Avalon has requested several waivers of the conditions. Derbin said the earliest possible date the permit could be approved would be the week following May 11, 2016. He stated as there is not a specific permit for this type of use, the Planning Commission felt the expanded home occupation permit would be the closest, however, it does have several limitations. Derbin also noted numerous objections from surrounding neighbors.

Schorr inquired if this was just a recommendation to the Nebraska Liquor Control Commission (NLCC). Derbin said approval by the local governing body and a separate approval by NLCC is required for special designated licenses (SDL). He stated that NLCC cannot approve the SDL if the Board would vote to deny it but could still deny it if it was approved by the Board.

Hudkins said as this has been an ongoing matter since October 2015 he would vote to deny the SDL application.

MOTION: Hudkins moved and Schorr seconded to deny the special designated license application.

Wiltgen stated he would vote no because the owners have a pending application and are acting in good faith. Wiltgen added if the SDL is denied there may not be responsible parties serving alcohol.

Amundson said she would vote to deny the SDL heeding the recommendation of the County Attorney as the Board could be at risk.

Derbin clarified he did recommend that the Board deny the SDL for an event at Hillside Events at last week's meeting because the venue had numerous building and safety concerns that did put the Board at risk. Derbin said Avalon does not have the same safety concerns. He stated he is not advising the Board to approve or deny the SDL for Avalon he is simply answering questions regarding the expanded home occupation permit.

Avery stated that he would vote no as well. He said even though Avalon maybe slow in complying with the zoning laws, they are in the process. Avery added that the Board has made exceptions in the past.

Schorr said she has received concerns as well from neighboring properties. She deferred to Wiltgen's comment regarding having responsible parties and oversight of the distribution of alcohol.

ROLL CALL: Hudkins and Amundson voted yes. Avery, Wiltgen and Schorr voted no. Motion failed 2-3.

MOTION: Wiltgen moved and Avery seconded approval of the special designated license application. Schorr, Avery and Wiltgen voted aye. Hudkins and Amundson voted no. Motion carried 3-2.

Amundson stated this item will be revisited next week with new testimony only, as well as rebuttal testimony by the applicant and/or their representative.

Schorr stated that she does not agree with this procedure. Hudkins agreed and said he is prepared to vote on the agenda item.

MOTION: Avery moved and Hudkins seconded to deny the special permit.

Wiltgen said that he does not feel a vote should take place today as there is a demand for a rural setting venue.

Avery stated he feels this is a unique case and the property owner has callous disregard for rules and regulations.

Hudkins noted other rural venues have complied with regulations and have a successful business.

Viann Martin, 2315 Winding Ridge Road, Lincoln, Nebraska, was administered the oath. She stated that she does not blatantly disregard rules and regulations. Martin said that she received the letter from the Building and Safety Department the day of the event. She said up to that point she was under the impression since the special permit application was pending, some guidelines would be set. Martin noted that she would abide by the rules and would like the opportunity to prove that. She said her son-in-law is the manager and a typical summer would include approximately eight events with three or four large events. She stated that a calendar of events could be provided to the neighbors.

Derbin said if the Board is going to vote, he recommended closing the public hearing.

The Chair closed the public hearing.

MOTION: Avery moved and Hudkins seconded to deny Special Permit No. 15064. Hudkins, Avery, Schorr and Amundson voted aye. Wiltgen voted no. Motion carried 4-1.

The Chair recessed the meeting at 12:36 p.m.

The Chair reconvened the meeting at 12:50 p.m.

NOTE: In addition to the correspondence attached to the minutes, the County Clerk's Office has received four letters in opposition to Special Permit No. 16021.

C. County Special Permit No. 16021 for Hillside Events, 12400 West Denton Road, Denton, Nebraska.

The Chair opened the public hearing.

Mark Hunzeker, Baylor Evnen Law Firm, was administered the oath. He appeared on behalf of Hillside Events Center. Hunzeker reviewed the proposed amendment (Exhibit C). He stated there are a number of similar properties and cited with the Planning Department staff report. Hunzeker said the owners have made every effort to bring the venue into compliance.

Amundson inquired if approval by the State Fire Marshal has been received. Hunzeker stated a letter has been received and the owners have until the end of July to meet the requirements.

Chet Bennetts, 12121 West Denton Road, Denton, Nebraska, was administered the oath. He appeared in opposition. Bennetts said the owners have continued to operate after notice of non-compliance. He stated not all events are held indoors. Bennetts said that he suffers from post-traumatic stress disorder (PTSD) and agriculture therapy is a great benefit for PTSD.

Avery inquired if the enclosure makes a difference in the noise level. Bennetts noted that neighbors have audio samples that show the noise is still an issue.

Sean Fintel, 12401 West Denton Road, Denton, Nebraska, was administered the oath. He appeared in opposition. Fintel provided a power point presentation (Exhibit D). He expressed concerns with the noise, unruly guests, public intoxication and traffic. Fintel stated this is causing serious anxiety to his wife and disrupting their quality of life.

Marijane Hancock, 5504 Southwest 126th Street, Denton, Nebraska, was administered the oath. She appeared in opposition. Hancock said she is not currently disturbed by the noise like the other neighbors but felt that this is an overreach of the concept of expanded home occupation. Hancock expressed concerns about the unregulated use of alcohol, increased traffic on narrow roads and the risk of fire. Hancock added that she has no confidence that the owners will abide by the regulations.

Jody Rapp, 5333 Southwest 126th Street, Denton, Nebraska, was administered the oath. She appeared in opposition. Rapp said farm equipment and slow moving vehicles on the roads with the increased traffic is cause for concern. She stated her fear if this venue is allowed, the nature of the rural area will change dramatically.

Jack Wolfe, 1248 "O" Street, Suite 800, Lincoln, Nebraska, was administered the oath. He appeared in opposition on behalf of the landowner (his wife). Wolfe submitted a letter of opposition to the Board (Exhibit E). He stated the proposal creates a change in use to the property. Wolfe said that a commercial enterprise such as this does not fit into extended home occupation.

Hudkins asked if Wolfe felt the venue's operation would be a detriment to the property's value. Wolfe stated it definitely would affect it.

Schorr inquired if there could be an acceptable compromise. Wolfe said the conditions that are proposed are still difficult to police.

Renee Wulf, 12300 West Denton Road, Denton, Nebraska, was administered the oath. She appeared in opposition. Wulf provided a map and pictures depicting the closeness of their property with Hillside Events (Exhibit F). She stated the venue is an invasion of their privacy. Wulf said music, lights and people in the parking lot are very disruptive to their weekends. She noted that Hillside advertises weekend parties for \$2000.

Hunzeker provided the Board with a copy of the Fire Marshal's letter to the property owners (Exhibit G). He stated the owners have continued to operate while the special permit is pending. Hunzeker noted that this is not an unusual practice. He also provided a video that was taken during a reception while music was being played to demonstrate that inside noise should not be an issue.

Schorr inquired as to the type of events that were being held. Melissa Smith, Hillside Events, was administered the oath. She stated that primarily weddings are held in the barn. Smith said the average attendance was between 150 and 200 guests, with the largest being 300.

In response to Schorr's inquiry regarding upcoming events, Smith said all weekends in September and October were booked previously, but recently they have had three cancellations.

Schorr noted on Hillside's website it states that parties are allowed to provide their own alcohol and food. Smith stated the current contract requires a "bartender" but they do not necessarily need to be a licensed alcohol provider. Wiltgen said he would insist that a special designated (liquor) license (SDL) be mandatory.

Wiltgen asked what prompted the cancellations. Smith stated that she contacted the parties to inform them of the special permit situation. She addressed the issue of fireworks stating there was only one isolated incident. She said no fireworks will be included in the new contracts.

In response to Hudkins inquiry regarding obtaining information for permits, Smith stated they did contact the Planning Commission but did not receive a call back.

Tom Cajka, Planning Department, was administered the oath. Amundson asked Cajka to address Smith's comment that the Planning Department did not return their call. Cajka thought they called Building and Safety to ask if any permits were needed and were told that if it was an agricultural building on twenty acres, a building permit was not needed.

In response to Avery's question if there was willful disregard for proper behavior at the events, Cajka stated that once they were notified about being in violation of zoning code, they did apply for the special permit. He said they have also talked to Building and Safety and the State Fire Marshal.

Hunzeker clarified that the call was made to Sara Hartsell who is no longer employed by the Planning Department.

The Chair closed the public hearing.

MOTION: Avery moved and Hudkins seconded approval of Special Permit No. 16021.

Schorr stated she would like more time to review the proposed changes and needed more assurance from the applicants that concerns, such as security and the SDL requirement, would be addressed. She said she would vote against the motion.

Avery said this applicant has a record of attempting to comply with the regulations.

Schorr asked if the Board could reevaluate the special permit after one year. Steve Henrichsen, Planning Department, said while most special permits are indefinite, one condition could be to allow the special permit for one year after which time the applicant would need to reapply.

Hudkins asked why Hillside Events could not develop their operation similar to other compliant venues. Henrichsen said there are current venues that are categorized as historic preservation or wineries that allow receptions as an accessory use and not a primary use.

Hudkins inquired if Planning had any suggestions on how to ensure compliance. Henrichsen said if conditions are set the Planning Department, County Attorney, and Building and Safety will do their best to enforce them. He added compliance will be largely complaint driven.

Wiltgen asked if the requirement of a SDL could be included in the amendment. Henrichsen stated that condition could be appropriate. Derbin said the applicant appears to be amenable to the proposed restriction. He noted the amendment language would depend on how the Board directed the County Attorney's Office to proceed.

Eagan stated that additional discussion could take place at this Thursday's Staff Meeting.

Fintel stated events have been held eight weeks in a row. He expressed concerns with conflicting stories and repeated violations.

Hunzeker stated the applicant has done their best to bring the venue into compliance. He said the condition on the catering is reasonable. Hunzeker added the one-year time limit is very difficult to accept due to the large investment in order to complete the work required by the Fire Marshal.

Avery withdrew his motion and the seconder agreed.

Amundson stated discussion will take place at Thursday's Staff meeting with a possible decision on Tuesday, July 5, 2016.

9) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, June 30, 2016 at 8:30 a.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10th Street, Lincoln).**
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, July 5, 2016 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) with the Board of Equalization immediately following.**
- C. The Lancaster County Board of Commissioners will hold a public hearing on Tuesday, July 5, 2016 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding County Change of Zone No. 16011, from AG Agricultural District to AGR Agricultural Residential District, on property generally located at South 82nd Street and Roca Road.**
- D. The Lancaster County Board of Commissioners will hold a public hearing on Tuesday, July 5, 2016 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding Comprehensive Plan Amendment No. 16002 to amend future land use plan from AG Agricultural District to AGR-Low Density Agricultural Residential District-Low Density, on property generally located at South 82nd Street and Roca Road.**
- E. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.**

APPLICANT - PROPOSED AMENDMENT
5/25/16 PC MEETING

Mark A. Hunzeker

Subject:

FW: Hillside Events Center

EXHIBIT

tabbier

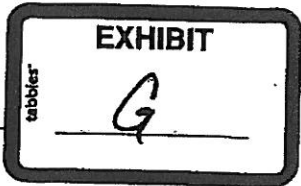
C

Conditions

1. No limit on the number of events that have no more than ~~400~~ 150 people. The waiver for no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more than 80 hours in any one week. The applicant must provide a listing of all persons working on site and hours worked upon request of the County.
2. Events between ~~400~~ 150 and ~~200~~ 275 persons are allowed two days in any one calendar month from ~~April~~ March 1st thru ~~October~~ November ~~31st~~ 30th. No events of persons between ~~400~~ 150 and ~~200~~ 275 persons are allowed between ~~November~~ November ~~1st~~ 30th and ~~March~~ March ~~31st~~ 1st. The limitation of two events, of less than 275 persons per month, effectively limits the number of people working on site. Thus, it eliminates the needs to track hours since these size events are roughly equivalent to 80 hours of work on site.
3. Any outside music is not allowed to use speakers or other forms of amplification.
4. Any outdoor event must conclude by 11:00 p.m.
5. Fireworks are not allowed except on July 3rd and 4th.
- ~~6. The waiver for no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more than 80 hours in any one week. The applicant must provide a listing of all persons working on site and hours worked upon request of the County.~~
7. Provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the east property line adjacent to the outdoor area.

Mark A. Hunzeker
Baylor Evnen Law Firm
600 Wells Fargo Center
1248 "O" Street
Lincoln, NE 68508
402.458.2131 (direct)
Mhunzeker@baylorevnen.com

STATE OF NEBRASKA



Pete Ricketts
Governor



Jim Heine
Fire Marshal

05/20/16

Tyler & Melissa Smith
Hillside Events
12400 West Denton Road
Denton, NE. 68339

Mr. & Mrs. Smith

On 4/19/2016 your facility Hillside Events was inspected by the State Fire Marshal's Office after receiving a concern regarding life safety. Orders were written by Deputy Clint Rossman regarding life safety issues on May 18, 2016. On May 20, 2016 I received a plan of correct from Hillside Events, that plan of correction was reviewed and was found to be acceptable. Please be advised that it is important that you follow the plan of correction that was submitted to this Office and approved.

Please be advised that with the approval of your plan of correction you may operate your business until you are approved for occupancy or the final date listed on your plan of correction.

Bob Sleight
Bob Sleight
Chief Deputy
NE State Fire Marshal

MAIN OFFICE
 DISTRICT A
246 South 14th Street
Lincoln, NE 68508-1804
(402) 471-2027

DISTRICT B
438 West Market
Albion, NE 68620-1241
(402) 395-2164

FUELS DIVISION
 FLST Pipeline
246 South 14th Street
Lincoln, NE 68508-1804
(402) 471-9463

TRAINING DIVISION
3347 W Capital Ave
Grand Island, NE 68801
(308) 385-6892

An Equal Opportunity / Affirmative Action Employer

STATE OF NEBRASKA*STATE FIRE MARSHAL
246 SOUTH 14TH STREET
LINCOLN, NE 68508-1804

Page 3 of 3

Hillside Events response:

1. Hillside Events will have plans submitted by 5/30/16 to the Fire Marshal's office. We are currently in the process of contacting architect and engineer to get plans finalized.
2. Hillside Events shall submit plans for the fire alarm system by 5/30/16. We are working with our architect to get the fire alarm system finalized.
3. Depending on final outcome of meeting Hillside Events may or may not be required to install a fire alarm system. If a system is required plans will be submitted by 5/30/16.
4. The plans for the north exit walkway will be submitted on the plans in number 1 by 5/30/16.
5. The thresholds will be replaced by with the correct thresholds by 6/10/16. It will take a few weeks to get the thresholds here, as we have to order them and have them shipped.
6. The main exit door levelness will be corrected by 6/30/16
7. The main exit door and the northwest exit shall swing in the direction of egress. The main exit door swings in the direction of egress currently. The northwest exit door will be turned around so it will swing in the direction of egress. the northwest door will be corrected by 5/21/16 prior to our next event.
8. Panic hardware will be installed prior to our next event on 5/21/16 on both the main door and the northwest door.
9. Plans will be submitted by 5/30/16 with a plan for occupant load number, we are currently working with our architect on finalizing the plans. In the meantime events inside the building will be kept under 200 people. Upon request we can submit events booked and number of guests for each event.
10. Plans will be submitted by 5/30/16 with a plan for occupant load number, we are currently working with our architect on finalizing the plans. In the meantime events inside the building will be kept under 200 people. Upon request we can submit events booked and number of guests for each event.
11. Plans for emergency lighting inside of the building will be submitted with the plans in number 1 by 5/30/16, emergency lighting will be installed by 7/19/16. It will take a few weeks to get the lighting order in, then another week or two to get them installed and a few weeks to get all proper permits pulled.
12. Plans for emergency lighting outside of the building will be submitted with the plans in number 1 by 5/30/16, emergency lighting will be installed by 7/19/16. It will take a few weeks to get the lighting order in, then another week or two to get them installed, and a few weeks to get all proper permits pulled.
13. Hillside Events will provide documentation of the flame spread rating by 7/30/16. If we cannot, we will apply another product to meet the rating by 7/30/16.
14. Hillside Events will provide inspections and approval for electrical by 6/30/16, as we are currently working with building and safety with an exact plan.
15. Hillside Events will identify the building with a sign by 7/30/16

Thank you,

Melissa and Tyler Smith
Hillside Events

Hillside Events Dates and sizes of parties:

5/21 Wedding and reception 150-175 people
5/28 Wedding and reception 150 people
6/4 Wedding only (outside) 275 people
6/18 Wedding and reception 200 people
6/25 Wedding and reception 200 people
7/16 Wedding only (outside) 300 people
8/13 Wake for deceased 100 people
8/20 Wedding only (outside) 200 people
9/3 Wedding and reception 200 people
9/4 Wedding and reception 200 people
9/10 Wedding and reception 175 people
9/16 Wedding and reception 150 people
9/17 Wedding only (outside) 250 people
9/24 Wedding and reception 100 people
10/1 Wedding and reception 275 people
10/7 Wedding and reception 200 people
10/8 Wedding and reception 200 people
10/15 Wedding only (outside) 300 people

APPROVED

By Bob Sleight at 2:39 pm, May 20, 2016

NSFM-02.2001

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113 - BILL LUXFORD STUDIO
THURSDAY, JUNE 30, 2016
8:30 A.M.**

Commissioners Present: Roma Amundson, Chair
Todd Wiltgen, Vice Chair
Deb Schorr
Bill Avery

Commissioners Absent: Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on June 29, 2016.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:33 a.m.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE JUNE 23, 2016 STAFF MEETING MINUTES

MOTION: Wiltgen moved and Schorr seconded approval of the June 23, 2016 Staff Meeting minutes. Avery, Wiltgen, Schorr and Amundson voted yes. Hudkins was absent. Motion carried 4-0.

2 ADDITIONS TO THE AGENDA

A. Press Release Asking Citizens to Submit Photographs for Possible Inclusion on the County's Web Pages (Exhibit A)

MOTION: Wiltgen moved and Schorr seconded approval of the addition to the agenda. Wiltgen, Schorr, Avery and Amundson voted yes. Hudkins was absent. Motion carried 4-0.

3 ANNUAL EVALUATION OF KIM ETHERTON, COMMUNITY CORRECTIONS DIRECTOR

Copies of the Human Services Director job description were disseminated (Exhibit B).

Kim Etherton, Community Corrections Director, responded to questions on an evaluation questionnaire (Exhibit C) relating to goals, accomplishments, operations, budget issues and succession planning.

There was consensus to schedule approval of the class description on the July 5, 2016 County Board of Commissioners Meeting.

4 A) NEW OVERTIME REGULATIONS; AND B) CORRECTIONS DIRECTOR SEARCH UPDATE - Doug McDaniel, Lincoln-Lancaster County Human Resources Director

A) New Overtime Regulations

Doug McDaniel, Lincoln-Lancaster County Human Resources Director, said the U.S. Department of Labor has issued its final rule updating overtime regulations. The rule focuses on updating the salary and compensation levels needed for executive, administrative and professional workers to be exempt and sets the standard salary level at \$47,476 (there will also be an automatic threshold increase every three years). McDaniel said County departments have been notified of the change and will either need to increase employees salaries or move employees to non-exempt status. He said the County currently has 11 employees that will be impacted by the change but said he has not determined the financial impact yet.

B) Corrections Director Search Update

McDaniel disseminated copies of a recruitment brochure for the Director of Corrections position (Exhibit D), noting the brochure is also available on Human Resources' webpage: <http://lincoln.ne.gov/city/person/county/Corrections.pdf>. He said he asked members of a focus group for their thoughts on the position. **NOTE:** The focus group was comprised of Sheli Schindler, Youth Services Center (YSC) Director; Kim Etherton, Community Corrections Director; Terry Wagner, Lancaster County Sheriff; Todd Duncan, Chief Deputy Sheriff; Judy Halstead, Lincoln-Lancaster County Health Department (LLCHD) Director; Sandra Miller, Veterans Justice Outreach; Phil Tegler, The Bridge Executive Director; Jeff Bliemeister, Chief of Police; Brian Jackson, Lincoln Police Department (LPD); Brenda Fisher, Angie Koziol and Dennis Wagner, Corrections Department; Corrections Lieutenants, with one exception; and Brett Wheeler and Dan Goodman, Fraternal Order of Police (FOP), Lodge 32. The position has been posted on the County's website, along with a supplemental questionnaire, and has been advertised with the following: Corrections.com, DiscoverCorrections.com,

CorrectionsOne.com, American Jail Association, and the American Correctional Association.

Schorr inquired about the closing date. McDaniel said it has been left open and will be closed when Human Resources feels there are adequate candidates to select from. He said he will work with the Board to set up an interview composite team, adding he has had requests from groups that want to be involved in the interviewing process.

- 5 **COUNTY SPECIAL PERMIT NO. 16021 FOR HILLSIDE EVENTS, 12400 WEST DENTON ROAD** - David Cary, Director, Lincoln/Lancaster County Planning Department; Steve Henrichsen, Development Review Manager, Lincoln/Lancaster County Planning Department; Tom Cajka, Planner II, Lincoln/Lancaster County Planning Department; David Derbin, Deputy County Attorney; Mel Goddard, Chief Building Inspector, City of Lincoln Building and Safety Department; Scott Holmes, Environmental Public Health Division Manager, Lincoln-Lancaster County Health Department (LLCHD)

Copies of a proposed amendment from Mark Hunzeker, attorney for Tyler and Melissa Smith, owners of Hillside Events LLC, to the special permit conditions and a memorandum from Steve Henrichsen, Development Review Manager, Lincoln/Lancaster County Planning Department, regarding regulation compliance were disseminated (Exhibits E & F).

Henrichsen discussed County Special Permit No. 16021, a request from Hillside Events, 12400 West Denton Road, for a Special Permit, per Article 13, Section 13.001(aa) of the Lancaster County Zoning Regulations, for an expanded home occupation (see <http://lincoln.ne.gov/city/plan/dev/zoning/stratreg/zon13.pdf>). He said the applicants received a plan from the Nebraska State Fire Marshal of changes they would have to make to their facility to make it compliant with fire codes. Henrichsen said since the applicants have not made those changes and are not in compliance with the zoning requirements, the Planning Department notified them in writing in April, 2015 they should not hold any more events. He said Tom Cajka, Planner II, Lincoln/Lancaster County Planning Department, also emailed the applicants, following a discussion with the County Attorney's Office and the City Building and Safety Department, stating they should cease operations. Henrichsen noted there was discussion at the County Board's public hearing on June 28th about being in compliance and said he wants to make it clear the applicants are not in compliance with the zoning or the building and fire code items. **NOTE:** The applicants have changed their wastewater treatment system. He pointed out the applicants have continued to hold events.

At the request of the Chair, Mel Goddard, Chief Building Inspector, City of Lincoln Building and Safety Department, reviewed some of the Building and Safety Code violations. He noted the building (barn) where events are held was not built to

standards for human occupancy and the applicants have contacted a structural engineer and hired an architect to see what it would take to bring the building to code.

Wiltgen said it was his understanding that approval of the special permit would be contingent upon compliance with the codes. Amundson said she believes there are significant issues that the Board needs to understand in order to make an informed decision, including the trusses and footings. David Derbin, Deputy County Attorney, said one of the standard conditions would be that any building be subject to final inspection by the Building and Safety Department.

Schorr asked whether the building would be required to have heating and/or air conditioning. Goddard said it would not.

Amundson felt the sound component and restroom provisions should also be addressed. Goddard said the occupant load could be over 400, based on the square footage, and said there are not sufficient restrooms to handle that number of people. He said the plumbing work was done without permits or inspections and a plumber who has a camera will need to inspect the pipes to see if the work is up to code.

Schorr said the Board needs to define the parameters for the land use and said it will be up to the applicants to look at their business model and determine whether it will be feasible to "make a go of the business" within those restrictions.

Amundson said she believes it would be reckless to approve a special permit for a building that does not meet safety and building standards. Wiltgen disagreed, stating its not reckless if the Board focuses on the zoning issues and makes any permit subject to being compliant with Building and Safety and Fire Codes.

Wiltgen felt the intent had been to discuss restrictions for the land use, such as number of attendees, limiting alcohol to service by a catering service, closing time, security, and frequency of events. Schorr said she is concerned about the doors, noting having them shut helps contains the noise but is not feasible without heating and air conditioning. Amundson said she believes the applicants need to be in compliance before the Board needs to consider those items.

Gwen Thorpe, Deputy Chief Administrative Officer, inquired about enforcement. Terry Wagner, Lancaster County Sheriff, appeared and said the Lancaster Sheriff's Office (LSO) does not have authority to enforce codes violations. He said they can document the violations and forward that information to Building and Safety for enforcement action. Wagner added response to noise complaints is very subjective particularly if the facility has a special event permit or special designated license (SDL). Avery asked what it takes to "shut down" an event. Wagner said violence and weapons would provide cause. Amundson said there is a model that could be used by the owners that involves an additional \$1,500 deposit, explaining the deposit would not be refundable if there was intoxication or improper behavior.

Schorr asked whether it would be better to add social halls, with certain restrictions, to the permitted uses under the County Zoning Regulations or to proceed with an expanded home occupation and require each venue to come before the Board for a unique set of restrictions. Henrichsen noted there are 14 conditions under expanded home occupations and said the applicants have asked that several be waived. He said expanded home occupation covers a variety of uses and additional conditions may be necessary.

Scott Holmes, Environmental Public Health Division Manager, Lincoln-Lancaster County Health Department (LLCHD), said the County doesn't have a noise code nor is it likely the County would adopt one. Cajka said he had inquired about the City's noise code and whether the noise level changed after a certain hour. He said he was informed it did after 10:00 p.m. Holmes said special events typically request a variance from the noise code. He added the Lincoln Police Department (LPD) has similar enforcement issues to those Sheriff Wagner described. Holmes said the Board could set a noise limit and said it likely won't be exceeded at the property boundary. He said the issue is that neighbors aren't accepting of noise disturbances. Cajka said, since there isn't a noise ordinance, the Planning Department approached it by saying outdoor events must conclude by 11:00 p.m. He said the word "outdoor" could be struck so it would apply to all events. There is currently no condition that an indoor event must conclude by a certain time.

There was consensus to: 1) Delay a decision on County Special Permit No. 16021 and notify the applicant that the item will not be scheduled on the July 5, 2016 County Board of Commissioners Meeting agenda; and 2) Schedule discussion of conditions on the July County Board Staff Meeting agenda.

Henrichsen suggested Derek Zimmerman of the Baylor Evnen Law Firm, which represents the applicants, who was present for the discussion notify the applicants. He said the Planning Department will notify the individuals who sent emails on this issue that the matter will be continued.

- 6 A) WINERIES; AND B) REVIEW AND UPDATE OF THE 1979 LANCASTER COUNTY ZONING RESOLUTION** - David Cary, Director, Lincoln/Lancaster County Planning Department; Steve Henrichsen, Development Review Manager, Lincoln/Lancaster County Planning Department; Tom Cajka, Planner II, Lincoln/Lancaster County Planning Department; David Derbin, Deputy County Attorney

A) Wineries

David Cary, Director, Lincoln/Lancaster County Planning Department, asked the Board's thoughts regarding farm wineries and any other items it would like to address in the zoning code.

APPLICANT - PROPOSED AMENDMENT
5/25/16 PC MEETING

Mark A. Hunzeker

Subject:

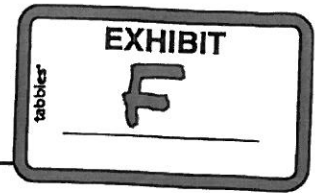
FW: Hillside Events Center



Conditions

1. No limit on the number of events that have no more than ~~400~~ 150 people. The waiver for no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more than 80 hours in any one week. The applicant must provide a listing of all persons working on site and hours worked upon request of the County.
2. Events between ~~400~~ 150 and ~~200~~ 275 persons are allowed two days in any one calendar month from ~~April~~ March 1st thru ~~October~~ November ~~31st~~ 30th. No events of persons between ~~400~~ 150 and ~~200~~ 275 persons are allowed between November 1st 30th and March ~~31st~~ 1st. The limitation of two events, of less than 275 persons per month, effectively limits the number of people working on site. Thus, it eliminates the needs to track hours since these size events are roughly equivalent to 80 hours of work on site.
3. Any outside music is not allowed to use speakers or other forms of amplification.
4. Any outdoor event must conclude by 11:00 p.m.
5. Fireworks are not allowed except on July 3rd and 4th.
- ~~6. The waiver for no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more than 80 hours in any one week. The applicant must provide a listing of all persons working on site and hours worked upon request of the County.~~
7. Provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the east property line adjacent to the outdoor area.

Mark A. Hunzeker
Baylor Evnen Law Firm
600 Wells Fargo Center
1248 "O" Street
Lincoln, NE 68508
402.458.2131 (direct)
Mhunzeker@baylorevnen.com



MEMORANDUM

TO: Lancaster County Board

FROM: Stephen Henrichsen, Planning Department

SUBJECT: Regulation Compliance at 12400 West Denton Road: Proposed Special Permit #16021 for Hillside Event Center

DATE: June 29, 2016

CC: Mark Hunzeker
Terry Kathe, Chad Blahak, Mel Goddard, Building & Safety
Dave Derbin, County Attorney
Sean Fintel

At the public hearing on June 28th, there were several references to the state of compliance with zoning and building code regulations at 12400 West Denton Road, which has been operating as the Hillside Event Center. To be clear, the use of this property is not in compliance with either zoning or building/fire code regulations. The Building & Safety Department, Planning Department and County Attorney's Office have told the owners that they should not operate on the site until they are in full compliance with all zoning regulations and all building and fire codes. It is very important for the public's safety that they not operate an indoor facility that does not meet all the building and fire codes.

As of April 19, 2016, the owners were notified the building was not approved for occupancy. It is our understanding that despite this notification they have continued to hold large events in the building.

We understand that there is a substantial cost involved in meeting fire and building codes. That is why the applicants have chosen not to make all the building changes to bring the facility into compliance with the State of Nebraska Fire Marshall requirements. Since the facility is not yet compliant, the applicants should have ceased all operations until the special permit decision is made. If the special permit is approved, they should complete all the fire and building code improvements before hosting any events.

f:\DevReview\SP\16000\SP16021 Memo to County Board.docx

Lincoln City-Lancaster County Planning Department
555 S. 10th St., Rm. #213 • Lincoln NE 68508
Phone: (402) 441-7491 • Fax: (402) 441-6377

- 5 A) CONDITIONS FOR LANCASTER COUNTY SPECIAL PERMIT NO. 16021 FOR HILLSIDE EVENTS, 12400 WEST DENTON ROAD; AND B) HILLSIDE EVENTS CONTINUED OPERATION** - David Cary, Director, Lincoln/Lancaster County Planning Department; Steve Henrichsen, Development Review Manager, Lincoln/Lancaster County Planning Department; Tom Cajka, Planner II, Lincoln/Lancaster County Planning Department; David Derbin, Deputy County Attorney; Mel Goddard, Chief Building Inspector, City of Lincoln Building and Safety Department; Scott Holmes, Environmental Public Health Division Manager, Lincoln-Lancaster County Health Department (LLCHD)

Tom Cajka, Planner II, Lincoln/Lancaster County Planning Department, gave an overview of conditions proposed by the applicant and other conditions for consideration that were discussed at previous briefings and the public hearing (see agenda packet).

Amundson referenced Condition 12, under Other Conditions, which states: "*Prior to occupancy, as required by Article 13.001aa(11), building permits will be obtained for all new construction and remodeling of existing buildings under this permit.*" She felt the building permits should also be "finalized" (approved). Chad Blahak, Building and Safety Director, appeared and said a final inspection would have to take place and have approved status before an occupancy permit would be issued.

Hudkins asked whether there is a difference in code between the City's three-mile zoning jurisdiction and the County. Blahak said the City and County's building codes are essentially the same.

Avery asked how Planning staff came up with their recommendations for number of attendees (see Conditions 1 and 2). Cajka said it was based on the average size of events. He added they felt limiting the number of large events to two per month would lessen the impact on neighbors and roads.

Schorr said she would prefer to have outdoor events conclude by 10:00 p.m. rather than 11:00 p.m. (see Condition 4) to reduce noise and so there is less chance of over serving alcohol. She also stated: 1) Requiring security at all events (see Condition 9, under Other Conditions) is too vague; 2) One of the neighbors had requested notification but it was not clear how that would occur; and 3) She is not supportive of City design standards for lighting in the County.

Hudkins expressed concern there could be an influx of applications if the Board expands the permits for these type of activities. He also pointed out that other venues have made significant investments to meet the zoning and code requirements.

Avery said Hudkins has a valid point but said he is concerned with generating more economic development activity in the rural parts of the County. He said this type of activity is going on but needs to be regulated.

Wiltgen noted enforcement of conditions will be based on complaints and thought it would be better to regulate the number of events that could be held than trying to count the number of attendees. Avery felt the applicant should be responsible for the head count. Cajka agreed that the applicant is responsible for meeting any and all conditions placed on the special permit and said a violation of the special permit would be a zoning code violation with Building and Safety responsible for enforcement. **Blahak felt enforcement would be problematic.** Wiltgen said he would be willing to compromise on Conditions 1 and 2 and allow events to be held from March 1st to November 30th and a higher limit of 275 attendees, as the applicant has suggested, but to limit the number of events to two per month.

Amundson felt the County Board is attempting to make zoning changes on a building that does not meet codes and is not approved for occupancy. She suggested the Board take a long-range view, questioning whether Hillside Events is really a facility the Board would want to use as a prototype for changes to zoning standards. Amundson disseminated several documents: 1) A Memorandum from Steve Henrichsen, Development Review Manager, Lincoln/Lancaster County Planning Department, regarding regulation compliance at Hillside Event Center; 2) Report and correspondence from the State Fire Marshal's Office regarding inspection of the facility and a plan for correction; 3) Related correspondence regarding standard requirement/conditions that would cover Building and Safety concerns (Exhibit D). She noted the owners of Hillside Events were notified on April 19th that the facility was not approved for occupancy and continued to hold events.

Schorr exited the meeting at 10:09 a.m.

Amundson said the State Fire Marshal indicated 15 conditions would need to be met. A plan for corrections was submitted on July 6th but has not been approved. She felt all the conditions should be met before the Board talks about potential zoning changes.

Schorr returned to the meeting at 10:13 a.m.

Wiltgen noted this was discussed in length at the June 30th County Board Staff Meeting and is addressed in Condition 12. He said the Board would not approve the special permit unless all of the Building and Safety issues have been addressed. Wiltgen said the property owners are not going to make that type of investment without direction from the County Board as to what use will be permitted.

Hudkins said the Board is taking the request and trying to adopt conditions to allow Hillside Events' activities. He said that template will apply across the County and felt the Board should open up the Comprehensive Plan and hold hearings so everyone who would be affected and the commercial establishments that have operated within the parameters of the law would have a chance to "weigh in." Hudkins also stressed that Hillside Events has violated the law and has continued to hold events after it was notified of the need to be in compliance. He said five of those events resulted in law enforcement being called out.

Schorr asked whether the Board is rewriting the zoning code. Cajka said no, explaining there is a special permit for an expanded home occupation in the zoning code. However, it doesn't address certain issues, such as number of attendees, number of events per year, and timing of events.

Schorr asked whether the Board could revoke a special permit. Cajka said it could if there was evidence that the conditions that were set were not being followed.

Further discussion took place regarding possible conditions.

Amundson noted the applicants have 12 events scheduled and is continuing to take reservations.

Hudkins urged the Commissioners to consider the impact to neighboring properties.

MOTION: Wiltgen moved and Avery seconded to proceed as follows: Eliminate Condition 1; Accept Conditions 2 and 3; Change the conclusion time for outdoor events in Condition 4 from 11:00 p.m. to 10:00 p.m.; Accept Conditions 8 and 12.

FRIENDLY AMENDMENT: Schorr offered a friendly amendment to: Accept Condition 6, including the proposed staff revision; Change the maximum number of persons allowed in Condition 2 from 275 to 250; Eliminate Conditions 9, 10 and 11; and Limit the special permit to two years, at which time it would be re-evaluated.

The maker of the motion and the seconder accepted the friendly amendment.

FRIENDLY AMENDMENT: Amundson offered a friendly amendment to change Condition 12 to state that all permits must be in approved status.

The maker of the motion did not accept the friendly amendment, explaining it is a moot point because the applicant must be in compliance prior to occupancy.

Terry Kathe, Zoning Coordinator, Building and Safety Department, appeared and explained all the permits are "finaled" before an occupancy permit is issued.

FRIENDLY AMENDMENT: Amundson offered a friendly amendment to change Condition 12 to state a certificate of occupancy issued by the Building and Safety Department is required.

The maker of the motion and the seconder accepted the friendly amendment.

AMENDMENT: Hudkins moved and Amundson seconded to include Condition 1.

Amundson withdrew her second. The motion to amend the motion failed for the lack of a second.

David Derbin, Deputy County Attorney, recommended that Condition 8 be reworded to state that any individual or entity dispensing alcohol be licensed under the Nebraska Liquor Control Act.

Schorr asked Derek Zimmerman of the Baylor Evnen Law Firm, which represents the applicants, whether the building will be used for an event scheduled for July 16th. Zimmerman said he does not have that information but will see that it is provided to the Board prior to the July 12, 2016 County Board of Commissioners Meeting. **NOTE:** A resolution in the matter of County Special Permit No. 16021, expanded home occupation for Hillside Events on property generally located at 12400 West Denton Road, Lancaster County, Nebraska will be considered at that time. Zimmerman said his clients are aware that they must meet all permitting requirements and have been working with the Building and Safety Department and the State Fire Marshal's Office to get that done. Schorr said she will ask that the list of events be attached to the special use permit.

Additional discussion took place regarding conditions, which were summarized as follows:

- Events up to 250 persons are allowed two days in any one calendar month from March 1st through November 30th.
- Any outside music is not allowed to use speakers or other forms of amplification.
- Any portion of an event held outdoors must conclude by 10:00 p.m.
- Fireworks are not allowed except on July 3rd and 4th.
- Owners shall provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the south and east property lines adjacent to any outdoor area or parking lot.

- The special permit is granted for two years from the date of the County Board's approval.
- Any individual or entity dispensing alcohol on-site must be licensed under the Nebraska Liquor Control Act.
- Prior to occupancy, as required by Article 3.001aa (11) of the Lancaster County Zoning Resolution, the Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under the special permit.

Hudkins inquired about security measures. Wiltgen said security is not defined in the law. Schorr felt it should be left to the discretion of the applicant.

There was consensus to notify individuals who sent emails to the County Board on this issue that final action will be taken at the July 12th County Board of Commissioners Meeting.

ROLL CALL ON THE MOTION AS AMENDED: Avery, Wiltgen and Schorr voted yes. Hudkins and Amundson voted no. Motion carried 3-2.

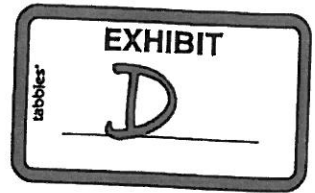
NOTE: Also present for the discussion were Mel Goddard, Chief Building Inspector, City of Lincoln Building and Safety Department; Scott Holmes, Environmental Public Health Division Manager, Lincoln-Lancaster County Health Department (LLCHD); and Terry Wagner, Lancaster County Sheriff.

6 LABOR NEGOTIATIONS (EXECUTIVE SESSION) - Doug McDaniel, Human Resources Director; Nicole Gross and Amy Sadler, Compensation Technicians; Kristy Bauer, Deputy Lancaster County Attorney

MOTION: Hudkins moved and Wiltgen seconded to enter Executive Session at 10:54 a.m. for the purpose of protecting the public interest with regards to labor negotiations. Wiltgen, Schorr, Hudkins, Avery and Amundson voted yes. Motion carried 5-0.

The Chair restated the reason for the Board entering Executive Session.

MOTION: Schorr moved and Wiltgen seconded to exit Executive Session at 11:20 a.m. Avery, Wiltgen, Schorr, Hudkins and Amundson voted yes. Motion carried 5-0.



MEMORANDUM

TO: Lancaster County Board

FROM: Stephen Henrichsen, Planning Department

SUBJECT: Regulation Compliance at 12400 West Denton Road: Proposed Special Permit #16021 for Hillside Event Center

DATE: June 29, 2016

CC: Mark Hunzeker
Terry Kathe, Chad Blahak, Mel Goddard, Building & Safety
Dave Derbin, County Attorney
Sean Fintel

At the public hearing on June 28th, there were several references to the state of compliance with zoning and building code regulations at 12400 West Denton Road, which has been operating as the Hillside Event Center. To be clear, the use of this property is not in compliance with either zoning or building/fire code regulations. The Building & Safety Department, Planning Department and County Attorney's Office have told the owners that they should not operate on the site until they are in full compliance with all zoning regulations and all building and fire codes. It is very important for the public's safety that they not operate an indoor facility that does not meet all the building and fire codes.

As of April 19, 2016, the owners were notified the building was not approved for occupancy. It is our understanding that despite this notification they have continued to hold large events in the building.

We understand that there is a substantial cost involved in meeting fire and building codes. That is why the applicants have chosen not to make all the building changes to bring the facility into compliance with the State of Nebraska Fire Marshall requirements. Since the facility is not yet compliant, the applicants should have ceased all operations until the special permit decision is made. If the special permit is approved, they should complete all the fire and building code improvements before hosting any events.

f:\DevReview\SP\16000\SP16021 Memo to County Board.docx

Lincoln City-Lancaster County Planning Department
555 S. 10th St., Rm. #213 • Lincoln NE 68508
Phone: (402) 441-7491 • Fax: (402) 441-6377

**STATE OF NEBRASKA*STATE FIRE MARSHAL
246 SOUTH 14TH STREET
LINCOLN, NE 68508-1804**

Page 1 of 3

	Fee Sheet number:		
Facility Name <p style="text-align: center;">Hillside Events</p>	Occupant Street Address <p style="text-align: center;">12400 West Denton Road</p>		
Operator & Phone number <p style="text-align: center;">Tyler & Melissa Smith, hillside.events@yahoo.com</p>	City / Town <p style="text-align: center;">Denton</p>		
Owner / Address / Phone number/Email <p>Tyler & Melissa Smith 12400 West Denton Road Denton, NE 68339</p>	County <p style="text-align: center;">Lancaster</p>		
	How Occupied <p style="text-align: center;">New Assembly</p>		
Occupant load <p style="text-align: center;">OCC: 426 inside</p>	Date of Inspection <p style="text-align: center;">4-19-16</p>	Fee Card <p style="text-align: center;">YES NO XX N/A</p>	
ORDER			

Contact person/number : Tyler or Melissa Smith, 402-304-3179 or 402-450-2559
 Initial inspection : 4-19-16
 Revisit inspection : N/A
 Hours of operation : TBD
 Plan review numbers : NONE

This facility was inspected on 4-19-16 per the request of the owners. In addition to the owners request there has been two complaints on this facility for fire code violations. At the current time the Event Center of this facility is NOT approved for occupancy. The following deficiency will need to be corrected before the Event Center at this facility can be approved for use and to occupancy.

1. Shall submit plans and a permit to the Fire Marshal Office for the change in occupancy for the Event Center building. NFPA 1, 1.2
2. Shall submit plans for the fire alarm system. On the day of inspection the main room is designed as a multipurpose room able to hold 426 people. NFPA 1, 1.2
3. Shall install a fire alarm system for the building NFPA 101, 12.3.4
4. The north exit shall terminate at a public way or at an exterior exit discharge, yard, court, open space away from the building. NFPA 101, 7.7
5. The main exit door and the northwest exit door shall not have abrupt changes in elevation of the walking surface. On the day of inspection these doors had thresholds that had an elevation change greater than 1/2 inch in change. NFPA 101, 7.1.6.2 and 7.2.1.3
6. The main exit door shall be level on both sides of the door. On the day of inspection when stepping through the front door, going to the south, there is a ramp that starts at the door jam. NFPA 101, 7.2.1.3
7. The main exit door and the northwest exit door shall swing in the direction of egress. On the day of inspection these doors opened to the inside. NFPA 101, 7.2.1.4.2
8. All the exit doors shall have panic hardware installed on them. NFPA 101, 12.2.2.2.3
9. The main exit door shall be designed to accommodate half of the occupant load for exiting. On the day of inspections the occupancy for the building was 426. The front door shall be able to exit 213 people. The front door is a 36 inch door with a capacity of 180 people. NFPA 101, 7.3.3.1 and 12.2.3.3
10. Shall provide exit doors in such widths and numbers to accommodate 426 people. On the day of inspection there were two exit doors out of the main room. Both these exit doors are 36 inch

STATE OF NEBRASKA*STATE FIRE MARSHAL
246 SOUTH 14TH STREET
LINCOLN, NE 68508-1804

Page 2 of 3

doors with an egress capacity of 180 people for each door. The occupant load for the space is 426. NFPA 101, 12.2.4 and 7.3.3.2

Note: the kitchen exit door cannot be used as an exit door for the large assembly room. NFPA 101, 12.2.5.2

11. Shall provide emergency lighting throughout the inside of the building to provide enough emergency lighting for not less than 1 foot candle of lighting throughout the exiting pathway. This emergency lighting shall be on the lighting circuit that it serves. NFPA 101, 7.9.2 and 12.2.9
12. Shall provide emergency lighting on the outside of the building to provide enough emergency lighting for not less than 1 foot candle of lighting throughout the exiting pathway to a public way or a safe distance away from the building. This emergency lighting shall be on the lighting circuit that it serves. NFPA 101, 7.9.2 and 12.2.9
13. Shall provide documentation of the flame spread rating for the interior wall and ceiling finish material. This finish will need to class A or class B in the assembly area. NFPA 101, 12.3.3.3
14. Shall provide documentation that the electrical system has been inspected and approved. NFPA 101, 12.5.1,9.1 and NFPA 70
15. Shall install an address on the building. NFPA 1, 10.13.1.1

Note 1: At the current time this building does not have heating or cooling in the building.

Note 2: The approximant size of the large assembly room is 50.7 feet by 59 feet.

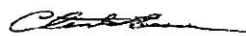
Note 3: This inspection does not determine compliance with the State of Nebraska Accessibility Guidelines. This determination shall be done by the local jurisdiction. (Lancaster County inspections)

All items must be corrected to comply with the laws of the State of Nebraska and with rules and regulations adopted by the State Fire Marshal as mandated by section 81-502 to 81-541.01

It is the duty of the owner or person in charge of the above-named facility to immediately take measures to bring the facility into compliance with state regulations. **ALL CORRECTIONS SHALL BE MADE AND ALL ITEMS CORRECTED ON OR BEFORE. Before the Building can be occupied.**

If you have questions on this Order, contact Deputy, Clinton Rossman, by phone at 402-416-3040, or by Email at clint.rossman@nebraska.gov

Witness my signature at Lincoln Nebraska this 18th day of May 2016

By: 
Deputy State Fire Marshal Clinton Rossman, #8727

NSFM-02.2001

**STATE OF NEBRASKA*STATE FIRE MARSHAL
246 SOUTH 14TH STREET
LINCOLN, NE 68508-1804**

Page 3 of 3

Hillside Events response:

1. Hillside Events will have plans submitted by 5/30/16 to the Fire Marshall's office. We are currently in the process of contacting architect and engineer to get plans finalized.
2. Hillside Events shall submit plans for the fire alarm system by 5/30/16. We are working with our architect to get the fire alarm system finalized.
3. Depending on final outcome of meeting Hillside Events may or may not be required to install a fire alarm system. If a system is required plans will be submitted by 5/30/16.
4. The plans for the north exit walkway will be submitted on the plans in number 1 by 5/30/16.
5. The thresholds will be replaced by with the correct thresholds by 6/10/16. It will take a few weeks to get the thresholds here, as we have to order them and have them shipped.
6. The main exit door levelness will be corrected by 6/30/16.
7. The main exit door and the northwest exit shall swing in the direction of egress. The main exit door swings in the direction of egress currently. The northwest exit door will be turned around so it will swing in the direction of egress, the northwest door will be corrected by 5/21/16 prior to our next event.
8. Panic hardware will be installed prior to our next event on 5/21/16 on both the main door and the northwest door.
9. Plans will be submitted by 5/30/16 with a plan for occupant load number, we are currently working with our architect on finalizing the plans. In the meantime events inside the building will be kept under 200 people. Upon request we can submit events booked and number of guests for each event.
10. Plans will be submitted by 5/30/16 with a plan for occupant load number, we are currently working with our architect on finalizing the plans. In the meantime events inside the building will be kept under 200 people. Upon request we can submit events booked and number of guests for each event.
11. Plans for emergency lighting inside of the building will be submitted with the plans in number 1 by 5/30/16, emergency lighting will be installed by 7/19/16. It will take a few weeks to get the lighting order in, then another week or two to get them installed, and a few weeks to get all proper permits pulled.
12. Plans for emergency lighting outside of the building will be submitted with the plans in number 1 by 5/30/16, emergency lighting will be installed by 7/19/16. It will take a few weeks to get the lighting order in, then another week or two to get them installed, and a few weeks to get all proper permits pulled.
13. Hillside Events will provide documentation of the flame spread rating by 7/30/16. If we cannot, we will apply another product to meet the rating by 7/30/16.
14. Hillside Events will provide inspections and approval for electrical by 8/30/16, as we are currently working with building and safety with an exact plan.
15. Hillside Events will identify the building with a sign by 7/30/16.

Thank you,

Melissa and Tyler Smith
Hillside Events

Hillside Events Dates and sizes of parties:

5/21 Wedding and reception 150-175 people
5/28 Wedding and reception 150 people
6/4 Wedding only (outside) 275 people
6/18 Wedding and reception 200 people
6/25 Wedding and reception 200 people
7/16 Wedding only (outside) 300 people
8/13 Wake for deceased 100 people
8/20 Wedding only (outside) 200 people
9/3 Wedding and reception 200 people
9/4 Wedding and reception 200 people
9/10 Wedding and reception 175 people
9/16 Wedding and reception 150 people
9/17 Wedding only (outside) 250 people
9/24 Wedding and reception 100 people
10/1 Wedding and reception 275 people
10/7 Wedding and reception 200 people
10/8 Wedding and reception 200 people
10/15 Wedding only (outside) 300 people

NSFM-02.2001

STATE OF NEBRASKA



Pete Ricketts
Governor



Jim Heine
Fire Marshal

05/20/16

Tyler & Melissa Smith
Hillside Events
12400 West Denton Road
Denton, NE. 68339

Mr. & Mrs. Smith

On 4/19/2016 your facility Hillside Events was inspected by the State Fire Marshal's Office after receiving a concern regarding life safety. Orders were written by Deputy Clint Rossman regarding life safety issues on May 18, 2016. On May 20, 2016 I received a plan of correct from Hillside Events, that plan of correction was reviewed and was found to be acceptable. Please be advised that it is important that you follow the plan of correction that was submitted to this Office and approved.

Please be advised that with the approval of your plan of correction you may operate your business until you are approved for occupancy or the final date listed on your plan of correction.


Bob Sleight
Chief Deputy
NE State Fire Marshal

MAIN OFFICE
 DISTRICT A
246 South 14th Street
Lincoln, NE 68508-1804
(402) 471-2027

DISTRICT B
438 West Market
Arlion, NE 68620-1241
(402) 395-2164

FUELS DIVISION
 PLST - Pipeline
246 South 14th Street
Lincoln, NE 68508-1804
(402) 471-9403

TRAINING DIVISION
3347 W Capital Ave
Grand Island, NE 68801
(308) 385-6892

An Equal Opportunity / Affirmative Action Employer

STATE OF NEBRASKA*STATE FIRE MARSHAL
246 SOUTH 14TH STREET
LINCOLN, NE 68508-1804

Page 3 of 3

Hillside Events response.

1. Hillside Events shall have plans submitted by 5/30/16 for the fire alarm system. We are working with our architect to get the plans finalized.
2. Hillside Events shall submit plans for the fire alarm system by 6/30/16. We are working with our architect to get the fire alarm system finalized.
3. Depending on final outcome of meeting Hillside Events may or may not be required to install a fire alarm system. If a system is required plans will be submitted by 5/30/16.
4. The plans for the notification capability will be submitted to the fire department by 6/30/16.
5. The threshold will be corrected by Hillside Construction and will be finished by 6/30/16. The threshold plans, as we have to order them and have them shipped.
6. The main exit door levelness will be corrected by 6/30/16.
7. The main exit door and the northwest exit shall swing in the direction of egress. The main exit door shall be in the direction of egress egress. The northwest exit door will be turned around so it will swing in the direction of egress. The northwest door will be corrected by 5/30/16 prior to our next event.
8. Panic hardware will be installed per the code requirements. We are working with our architect to get the plans finalized.
9. Plans will be submitted by 6/30/16 with a plan for occupancy. The occupancy will be working with the architect on finalizing the plans. In the meantime events inside the building will be kept under 200 people. Upon request we can submit events booked and number of guests for each event.
10. Plans will be submitted by 5/30/16 with a plan for occupancy. We are currently working with our architect on finalizing the plans. In the meantime events inside the building will be kept under 200 people. Upon request we can submit events booked and number of guests for each event.
11. Plans for emergency lighting inside of the building will be submitted with the plans by 6/30/16, emergency lighting will be installed by 7/15/16. It will take a few weeks to get the lighting order in, then another week or two to get them installed, and a few weeks to get all proper permits pulled.
12. Plans for emergency lighting outside of the building will be submitted with the plans by 6/30/16, emergency lighting will be installed by 7/15/16. It will take a few weeks to get the lighting order in, then another week or two to get them installed, and a few weeks to get all proper permits pulled.
13. Hillside Events will provide documentation of the items scored including 7/30/16. The items will apply, neither products to meet the rating by 7/30/16.
14. Hillside Events will provide documentation of the items scored including 7/30/16. The items will apply, neither products to meet the rating by 7/30/16.
15. Hillside Events will identify the building with a sign by 7/30/16.

Thank you,

Business and Training Dept
Hillside Events

Hillside Events Dates and sizes of parties

- 5/21 Wedding and reception 150-175 people
- 5/26 Wedding and reception 150 people
- 6/4 Wedding only (outside) 275 people
- 6/16 Wedding and reception 200 people
- 6/26 Wedding and reception 200 people
- 7/16 Wedding only (outside) 200 people
- 8/13 Wake for deceased 100 people
- 8/20 Wedding only (outside) 200 people
- 9/3 Wedding and reception 200 people
- 9/4 Wedding and reception 200 people
- 9/10 Wedding and reception 175 people
- 9/16 Wedding and reception 150 people
- 9/17 Wedding only (outside) 250 people
- 9/27 Wedding and reception 150 people
- 10/1 Wedding and reception 275 people
- 10/7 Wedding and reception 200 people
- 10/8 Wedding and reception 200 people
- 10/15 Wedding only (outside) 300 people

APPROVED

By Bob Sleight at 2:39 pm, May 20, 2016

NSFM-02.2001

RE: Plan completion

RC Rossman, Clint <clint.rossman@nebraska.gov>
Fri 7/1
Amundson, Roma ▾

  Reply all.] ▾

 Action Items 

Roma

Thanks for the question. I was typing and talking on the phone at the same time and did not make the dates as clear as it should have been. As of today Melissa has not submitted plans to the Fire Marshal's Office for review. Mellissa has sent me two different sets of plans for me to look at for my comments. This was not the official documentation as they were still trying to figure out the lay out what they wanted to do. This was not a completed set of plans. What she still needs to do is fill out the plan review paper work and officially submit all the plans to the Fire Marshal office with the fees. Again this not go to me as stated on line item 1 in the report. Also I have sent Mellissa a link to the Fire Marshals web site so she can print off the plan review paper work. I will be on vacation until July 11th and I will follow up with this when I get back.

Thanks and have a good day

Clint Rossman
Deputy State Fire Marshal 8727
246 South 14th Street
Lincoln, NE 68508-1804
Cell: 402-416-3040
Office: 402-471-2590
Fax: 402-471-3118

[Clint.rossman@nebraska.gov](mailto:clint.rossman@nebraska.gov)
www.sfm.nebraska.gov

Confidentiality Notice: This email, including attachments if any, is intended for the exclusive use of the person or entity to which it is addressed and may contain confidential or privileged information. All unauthorized dissemination, distribution or copying of this email is prohibited. If you believe you have received this email in error, please advise the sender by reply email and delete this email immediately.

From: Amundson, Roma [mailto:Roma.Amundson@homerealestate.com]
Sent: Friday, July 01, 2016 12:25 PM

To: Rossman, Clint
Subject: Re: Plan completion

Clint:

Thanks for the info. I am a little confused by the dating -- you wrote this on 7-1-2016, and you said that as of "today 6-30-2016" that no plans have been submitted. Do you mean "today," as in July 1, 2016?

Bob Sleight wrote an e-mail today at 9:48 that no plans have been received at the Fire Marshal's Office.

Today, Melissa wrote at 8:57 that plans for architectural, fire alarm system plan, and electrical emergency lighting plan has been submitted to you, Clint Rossman.

Please let me know what the case is.

Roma Amundson, Lancaster County Commissioner, District #4

Thank you, and have a blessed day!

Roma B. Amundson

Roma B. Amundson
ABR, AHWD, CRS, e-pro, GRI
Home Real Estate - Pioneer Greens
4501 S 86th St
Lincoln, NE 68528
402-432-5488
www.RomaAmundson.HomeRealEstate.com
www.icanfindhomes.com
roma@icanfindhomes.com
Roma.Amundson@HomeRealEstate.com

Since 1996, serving buyers and sellers..."on the HOME Front"

Accredited Buyer Representative, At Home With Diversity, Certified Residential Specialist, e-Professional, Graduate Realtor Institute

If you consider this message a solicitation and prefer not to receive future messages from this sender, click 'reply' and add the text 'remove' to the subject line. Reminder: email is not secure or confidential. HomeServices of Nebraska will never request that you send funds or nonpublic personal information, such as credit card or debit card numbers or bank account and/or routing numbers, by email. If you receive an email message concerning any transaction involving HomeServices of Nebraska, and the email requests that you send funds or provide nonpublic personal information, do not respond to the email and immediately contact HomeServices of Nebraska. To notify HomeServices of Nebraska of suspected email fraud, contact: HSNE-Helpdesk@homeservices-ne.com / 402-434-3636

From: Rossman, Clint <clint.rossman@nebraska.gov>
Sent: Friday, July 1, 2016 10:20 AM
To: Amundson, Roma
Subject: FW: Plan completion

Roma

Thanks for the phone call. I have attached your request for the Hill Side Event Center. As of today 6-30-16 no plans have been submitted to the Fire Marshal's Office.

Thanks

Clint Rossman

Deputy State Fire Marshal 8727
246 South 14th Street
Lincoln, NE 68508-1804
Cell: 402-416-3040
Office: 402-471-2590
Fax: 402-471-3118

Clint.rossman@nebraska.gov
www.sfm.nebraska.gov

Confidentiality Notice: This email, including attachments if any, is intended for the exclusive use of the person or entity to which it is addressed and may contain confidential or privileged information. All unauthorized dissemination, distribution or copying of this email is prohibited. If you believe you have received this email in error, please advise the sender by reply email and delete this email immediately.

From: Rossman, Clint
Sent: Friday, July 01, 2016 9:48 AM
To: 'Hillside Events'; Mark A. Hunzeker; Deb E. Schorr; mgoddard@lincoln.ne.gov
Cc: Bob Sleight
Subject: RE: Plan completion

Melissa

Thanks for the update. As per the orders written on 5-18-16, plans are to be submitted to the Nebraska State Fire Marshal's Office at 246th South 14th Street, Lincoln Nebraska. Per your approved plan of correction plans are to be submitted to the Fire Marshal's Office prior to 5-30-16 for review. As of 0915 hours on 7-1-16, these plans have not been received at the Fire Marshal's Office.

Failure to follow your plan of correction will result in your plan of correction being denied.

Attached is the original orders on the event center and your Plan of correction for reference.

If you have any question please call or email.

Thanks

Clint Rossman

Deputy State Fire Marshal 8727

246 South 14th Street

Lincoln, NE 68508-1804

Cell: 402-416-3040

Office: 402-471-2590

Fax: 402-471-3118

Clint.rossman@nebraska.gov

www.sfm.nebraska.gov

Confidentiality Notice: This email, including attachments if any, is intended for the exclusive use of the person or entity to which it is addressed and may contain confidential or privileged information. All unauthorized dissemination, distribution or copying of this email is prohibited. If you believe you have received this email in error, please advise the sender by reply email and delete this email immediately.

From: Hillside Events [<mailto:hillside.events@yahoo.com>]

Sent: Friday, July 01, 2016 8:57 AM

To: Mark A. Hunzeker; Deb E. Schorr; Rossman, Clint; mgoddard@lincoln.ne.gov

Subject: Plan completion

Hello,

I just wanted to give an update on what has been completed on our plan of correction with the state fire marshal.

Architectural, fire alarm system plan, and electrical emergency lighting plan has been submitted to Clint Rossman. These plans also included the occupant load number and the north exit walkway on them as well.

The main and northwest exits swing in the direction of egress and have panic hardware installed on both doors.

There are no events scheduled from now until August 13th.

Thank you,

Melissa Smith

Sent from my iPhone

Begin forwarded message:

From: "Sleight, Bob" <bob.sleight@nebraska.gov>

Date: May 20, 2016 at 3:15:32 PM CDT

To: "hillside.events@yahoo.com" <hillside.events@yahoo.com>

Cc: "Dudley, Pat" <Pat.Dudley@nebraska.gov>, "Fritz, Don" <don.fritz@nebraska.gov>, "Rossman, Clint" <clint.rossman@nebraska.gov>, "Heine, Jim" <Jim.Heine@nebraska.gov>

Subject: POC - Approval

FW: RE Hillside Event Center

GT Gwen K. Thorpe
Tue 4:04 PM
Amundson, Roma ✕

👍 🔄 Reply all | ▼

Roma,

In thinking about your request to add discussion about the occupancy permit, etc., to this Thursday's agenda, I visited with Dave Derbin for some advice on how to word the discussion. Dave forwarded this email between Mel Goddard and Mark Hunzeker, on which Kerry and Dave were copied.

As Dave and I discussed, something like the following will be one of the conditions of the special permit: "Use of the barn for the uses permitted by this Special Permit must be approved by the Building & Safety Department prior to beginning operations under this Special Permit." Mel's numbers 1-5 will be a standard requirement, and everyone agrees they need to be. So unless someone would want to waive one of the 5 items listed, they are just "in there". The standard requirement/conditions cover all building and safety concerns. An applicant must comply.

Thanks - Gwen

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

From: David A. Derbin
Sent: Tuesday, July 05, 2016 1:48 PM
To: Gwen K. Thorpe
Subject: FW: RE Hillside Event Center

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

From: Mel E. Goddard
Sent: Tuesday, July 05, 2016 10:31 AM
To: 'Mark A. Hunzeker'
Cc: Steve S. Henrichsen; Chad E. Blahak; David R. Cary; Terry A. Kathe; David A. Derbin; Kerry P. Eagan; Tom J. Cajka; Richard J. Burton; Nate C. Hartman; 'hillside.events@yahoo.com!'; 'Clint.rossman@nebraska.gov'; 'bob.sleight@nebraska.gov'
Subject: RE Hillside Event Center

Mark.....

Building & Safety is waiting for a Building Permit application and plans to be submitted for commercial plan review for the Hillside Event Center.

The barn can be used as an assembly use only when the following items have been completed:

1. The assembly use is constructed as per the requirements of the approved plans.

2. All permits (Building, Electrical, Plumbing, and Mechanical are in finalized (approved) status.
3. The LLC Health Department has given final approval of the completed lagoon system.
4. The State Fire Marshall has approved the final inspection of the assembly per the approved plans.
5. Building & Safety has issued the Certificate of Occupancy.

6. A Special Permit for the assembly use is approved by the County Board.

Mel Goddard
Chief Building Inspector

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

RESOLUTION IN THE MATTER OF COUNTY)
SPECIAL PERMIT NO. 16021, EXPANDED)
HOME OCCUPATION FOR HILLSIDE EVENTS) RESOLUTION NO. R-16-0039
ON PROPERTY GENERALLY LOCATED AT)
12400 WEST DENTON ROAD, LANCASTER)
COUNTY, NEBRASKA)

WHEREAS, Tyler and Melissa Smith, on behalf of Hillside Events LLC, requested approval of County Special Permit No. 16021, to allow an Expanded Home Occupation on property generally located at 12400 West Denton Road, Lancaster County, Nebraska, legally described as follows:

Lot 19 I.T. located in the SW1/4 of Section 17, Township 9 North,
Range 5 East; Lancaster County, NE;

WHEREAS, the Lincoln-Lancaster County Planning Department recommended conditional approval of said Special Permit, concluding that the special permit for Expanded Home Occupation to allow large gatherings, such as wedding receptions, should have limited impact on adjacent properties given the site plan and proposed conditions;

WHEREAS, on May 25, 2016, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 16021 and voted 5-2 to recommend denial of the special permit;

WHEREAS, on June 28, 2016, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing on County Special Permit No. 16021; and

WHEREAS, on June 30, 2016, July 7, 2016, and July 12, 2016, the Board of Commissioners of Lancaster County, Nebraska, continued discussion regarding County Special Permit No. 16021;

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of Commissioners, that County Special Permit No. 16021 to allow an Expanded Home Occupation

on property generally located at 12400 West Denton Road, Lancaster County, Nebraska, legally described as follows:

Lot 19 I.T. located in the SW1/4 of Section 17, Township 9 North,
Range 5 East; Lancaster County, NE;

be and hereby is approved with the following waivers and conditions:

WAIVERS

1. Waive the requirement for gravel surface of parking lots for the overflow parking.
2. Waive the requirement that outside areas used for the business not exceed 15,000 square feet.
3. Waive the requirement that all outside business related activity be 200 feet from all property lines.
4. To allow more than two employed persons who are not members of the family residing on the premises to carry out the occupation or activity on the premises.

SITE SPECIFIC CONDITIONS

1. Events up to 250 persons are allowed two days in any one calendar month from March 1st through November 30th. No events are allowed between November 30th and March 1st.

(The limitation of two events per month effectively limits the number of people working on site. Thus, it eliminates the need to limit the number of persons working on site because events of this size are roughly equivalent to 80 hours of work on site)

2. Any outside music is not allowed to use speakers or other forms of amplification.
3. Any portion of an event held outdoors must conclude by 10:00 p.m.
4. Fireworks are not allowed except on July 3rd and 4th.
5. Owners shall provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the south and east property lines adjacent to the any outdoor area or parking lot.
6. The special permit is granted for two years from the date of the County Board's approval.
7. Any individual or entity dispensing alcohol on site must be licensed under the Nebraska Liquor Control Act.

8. Prior to occupancy, as required by Article 13.001aa(11) of the Lancaster County Zoning Resolution, the Lincoln-Lancaster Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under this special permit.

STANDARD CONDITIONS

1. The following conditions are applicable to all requests:

1.1. Before starting the operation all development and construction shall substantially comply with the approved plans.

1.2 All privately-owned improvements, including landscaping shall be permanently maintained by the Permittee.

1.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

1.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

1.5 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

DATED this ____ day of July, 2016, at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this ____ day of
July, 2016.

for JOE KELLY
County Attorney

LETTER OF ACCEPTANCE

Tyler and Melissa Smith, on behalf of Hillside Events, LLC, owner of record, hereby agree to all of the conditions of Special Permit No. 16021, to allow an Expanded Home Occupation on property generally located at 12400 West Denton Road, legally described as Lot 19 I.T. located in the SW1/4 of Section 17, Township 9 North, Range 5 East; Lancaster County, NE, granted by the Lancaster County Board of Commissioners, and embodied in Resolution No. _____, all costs which we hereby represent have been paid and that this agreement shall be binding upon Hillside Events, LLC, and its heirs, successors, and assigns, and shall run with the land.

DATED this ____ day of _____, 2016, in Lancaster County, Nebraska.

Owner of Record

BY:

Melissa Smith
for Hillside Events, LLC

STATE OF NEBRASKA)
)
County of Lancaster)

ss.

On this ____ day of _____, 2016, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came _____, known to be the identical person whose name is affixed to this agreement, and acknowledged execution of the same to be her voluntary act and deed.

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2016.

Notary Public

Owner of Record

BY:

Tyler Smith
for Hillside Events, LLC

STATE OF NEBRASKA)
)
County of Lancaster)

ss.

On this ____ day of _____, 2016, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came Eugene R

Benes, known to be the identical person whose name is affixed to this agreement, and acknowledged execution of the same to be her voluntary act and deed.

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2016.

Notary Public

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, JULY 12, 2016
9:00 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 July 8, 2016.

Commissioners present: Roma Amundson, Chair; Todd Wiltgen, Vice-Chair; Bill Avery, Larry Hudkins and Deb Schorr

Others present: Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; and Kelly Lundgren, County Clerk's Office

The Chair called the meeting to order at 9:00 a.m., the pledge of allegiance was recited and the location of the Nebraska Open Meetings Act was announced.

1) MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 5, 2016.

MOTION: Wiltgen moved and Avery seconded approval of the minutes. Avery, Hudkins, Wiltgen and Amundson voted aye. Schorr was absent. Motion carried 4-0.

Schorr entered the meeting at 9:05 a.m.

2) CLAIMS: Approval of all claims process through July 12, 2016.

MOTION: Hudkins moved and Avery seconded approval of the claims. Hudkins, Schorr, Wiltgen, Avery and Amundson voted aye. Motion carried 5-0.

3) PUBLIC HEARING:

A. Regarding the proposed sale of property generally located at 2201 South 17th Street, Lincoln, Nebraska. (See corresponding item 5A)

The Chair opened the public hearing. Don Killeen, Facilities and Property Director, was administered the oath. He submitted the property appraisal performed on April 20, 2016 by Great Plains Appraisal (Exhibit A). Killeen stated the fair market value of the property was appraised at \$3,185,000.

Hudkins noted a number of concessions made to make the zoning compatible. He inquired if there was anything in those changes that would diminish the value of the property.

Tom Kubert, Great Plains Appraisal, was administered the oath. He stated the change from Residential "R" zoning with a special permit to Business "B" allowed the property to utilize all the space in order to have adequate parking and allows the County to maximize the value of the property.

No one appeared to testify in opposition or in a neutral position.

The Chair closed the public hearing.

The Board took action on item 5A.

4) UNFINISHED BUSINESS:

- A. Recommendation from the Purchasing Agent and County Sheriff to award a contract for the annual supply of Sheriff uniform clothing and accessories, Quote 5387 to Alamar Uniforms as the lowest, responsive, responsible bidder meeting the specifications. The estimated amount is \$17,000. (Quote 5387)**

MOTION: Avery moved and Hudkins seconded approval of the recommendation. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

5) NEW BUSINESS:

- A. Resolution regarding the proposed sale of property generally located at 2201 South 17th Street, Lincoln, Lancaster County, Nebraska, including declaring that the proposed property no longer serves a County purpose, determining fair market value and setting the date for sale of the property. (R-16-0037)**

Dave Derbin, Deputy County Attorney, said the Board will need to determine to the fair market value for the final version of the resolution. He stated it is the County Attorney's Office recommendation the Board adopt the fair market value of \$3,185,000 as noted in the appraisal.

MOTION: Wiltgen moved and Schorr seconded to adopt the fair market value at \$3,185,000. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

- B. Resolution authorizing the installation of the following sign in Lancaster County: Install a "Driveway Warning" sign (W2-1mod) on West Pella Road 500 feet east of 3240 West Pella Road for westbound traffic. (R-16-0038)**

Pam Dingman, County Engineer, stated a resident had requested the sign. She said a study was done that determine the placement was justified.

MOTION: Schorr moved and Avery seconded approval of the resolution. Wiltgen, Schorr, Hudkins, Avery and Amundson voted aye. Motion carried 5-0.

- C. Resolution in the matter of County Special Permit No. 16021, expanded home occupation for Hillside Events on property generally located at 12400 West Denton Road, Lancaster County, Nebraska. (R-16-0039)**

Derek Zimmerman, Baylor Evnen Law Firm, appeared on behalf of the applicants. He presented the Board with modifications to the resolution (Exhibit B). Zimmerman said the applicant requests that item 1 under "site specific conditions" allow for gatherings such as rehearsals or clean up that is tied to the wedding event. He stated also the applicant requests to eliminate "site specific condition" item 8, which requires the permit be issued for two years. Zimmerman said there is a significant

investment involved with bringing the property into compliance only to possibly have the special permit revoked after two years.

Wiltgen asked if the applicant understands the Board has the authority to revoke the special permit at any time. Zimmerman said they are aware of the possibility.

In response to Wiltgen's inquiry regarding the Board's authority to revoke a special permit, Derbin stated there would have to be cause in order for revocation of the special permit. He added revocation would be complaint driven and require a public hearing to take place.

Wiltgen asked if the requirement for Board review in two years requires reapplication. Derbin said the applicant would need to go through the complete application procedure including public hearings again.

Schorr inquired if one violation would be enough to revoke the permit or is it the Board's obligation to determine the standard of proof. Derbin answered a clear violation such as exceeding the number of events per month would be the easiest to determine, however it would be more difficult to prove the number of people at event exceeded the maximum allowed. He noted that is the reason the Board decided to move away from very specific requirements in favor of broader ones, which will be easier to enforce.

In response to Schorr's question regarding security, Zimmerman said the owners are agreeable to the requirement of a special designated license in order to serve alcohol. He added that the applicants are also in agreement with having security present at all events.

Hudkins asked for clarification if revocation would be at the sole discretion of the Board based on complaints. Derbin stated the Board would have to show cause and proof of violation. He added public hearings regarding the reason of revocation would also be required.

Avery asked if the property owner has reviewed the resolution and agreed to all the requirements. Zimmerman answered they are aware of all modifications and ready to move forward.

In response to Avery's inquiry regarding a procedure for periodic review of special permits, Derbin answered there is not a current process but a briefing by Building and Safety or Planning could be incorporated.

Amundson expressed concern with the difficulty of ensuring that all conditions are met. She noted that citizens within the Village of Denton also have concerns with increased traffic. Amundson submitted a list of forty-four signatures obtained from the Denton area for the record (Exhibit C).

Hudkins asked why the applicant is requesting the requirement for gravel surface of overflow parking be waived. Zimmerman stated even the cost of gravel is very expensive and with the limitation on the number of events it would be cost prohibitive. He said they are not opposed to surfacing the lot with gravel but do not want it to be a requirement.

In response to Hudkins question regarding waiving the outside areas to be used for business not to exceed 1500 feet, Zimmerman said the owners wanted to provide adequate screening to the adjacent properties and still allow for a number of people to congregate before the wedding. This would meet the buffer and screening requirements.

Hudkins questioned waiving the requirement that all outside business activity be 200 feet from all property lines. Zimmerman responded there is a significant amount of screening already in place and that it meets the needs of the adjacent property owners. He stated that he could not offer a specific minimum buffer zone without going back to review the area.

Hudkins inquired as to waiving the requirement to allow more than two employed persons who are not members of the family residing on the premises. Zimmerman said the focus switched to limiting the number of events and limiting the number of people at those events. He stated limiting the number of events and number of people is a significant concession.

In response to Wiltgen's inquiry regarding the need to have a specific definition of an "event", Derbin said the applicant has requested that smaller, ancillary events such as rehearsal or decorating party uses not be counted against the event total. He stated they have asked for a limited amendment without defining broadly, what an event is.

Schorr proposed that all events conclude by midnight. She asked if there were options for reevaluating the permit after one year as opposed as the permit being granted for two years. Tom Cajka, Planning Commission, said if a special permit is granted it cannot be revoked unless there are documented violations. He added he is unsure what reevaluating in a year would accomplish.

Trev Peterson, Knudsen Berkheimer Law Firm, representing neighbors of Hillside Events stated that there has been no support of the venue. He outlined concerns from the neighbors as noise, the danger of fire with limited access to water, illegal wastewater and repeated calls to the Lancaster County Sheriff. Peterson said the applicants are currently operating in violation of the existing zoning regulations.

In response to Avery's question regarding evidence that the owners have disregarded existing rules, Peterson answered eight events have been held after the Planning Department indicated their use was not in compliance of the zoning regulations. He added that five out of those eight events resulted in calls to the Sheriff's Office. Cajka noted that an email was sent on April 12, 2016 from the Planning Commission indicating that both approval of the building and the special permit would be necessary to hold events.

Wiltgen inquired if the Sheriff's Office was opposed to the special permit and if reports were available from any of the calls. Terry Wagner, County Sheriff, stated that he did not testify that the Sheriff's Office was opposed to the permit. He said all calls received are responded to but whether that results in any enforcement action or other action by the deputies depends upon the situation. Wagner said deputies were detailed to Hillside five times. He noted one call was during an event in which the Board had approved a special designated license (SDL). Wagner indicated the complaints were related to the noise level.

Hudkins questioned if this type of special permits were issued would it increase the Sheriff's Office workload. Wagner answered it is very difficult to say but generally weddings do not result in calls.

Roger Vollstedt, 550 Southwest 98th Street, Lancaster County, appeared in opposition of the special permit. He said the type of activity created by the venue does not belong in the rural area and he is totally against fireworks.

Luana Petsche, 7025 Cass Avenue, Denton, Nebraska, appeared in opposition of the special permit.

She expressed concern with the increase in traffic, the disruption to the farm animals and the lack of water within the area. Petsche noted the extended amount of time for emergency vehicles to respond.

Sean Fintel, 12401 West Denton Road, Denton, Nebraska, appeared in opposition of the special permit. He provided documents outlining the email the applicants received from Planning Commission advising them to cease operations, summary of events held in 2016 at Hillside and information related to "Citizens against Hillside" facebook page (Exhibit D). Fintel said he would approve of the venue just for wedding ceremonies without receptions.

Hudkins noted at the public hearing that outdoor lighting was a concern. He stated that he worked with the Planning and would offer a proposed amendment adding site specific lighting conditions.

Schorr commented that currently Hillside does not look like a commercial venture but with adding commercial lighting and a gravel parking lot it will take away from the rural appearance. Fintel said perhaps the lights could be built into the character.

In response to Amundson's inquiry regarding the Village of Denton meeting, Fintel said there had been concern raised not just from the neighbors of Hillside but also residents from the Village of Denton. He stated forty-four signatures were obtained from residents along the two routes from Denton to Hillside Events.

Amundson inquired if there were emergency services in Denton. Fintel said the area is split between Pleasant Dale and Southwest Rural Fire Department. He added that there is concern about wildfires and the lack of hydrants or access to water.

Hudkins asked Steve Henrichsen, Planning Commission, to discuss the proposed lighting standards. Henrichsen stated the proposed amendment follows the City of Lincoln lighting standard, which address both the intensity of the lights and ensures it does not shine beyond the property line.

Cajka said the term "cutoff" means the light fixture is shielded so the light is directed more downward. He added that any outdoor lighting must meet a certain criteria at the property line, which is 2 vertical foot candles and .5 horizontal foot candles. Cajka stated that lighting is not a requirement but if lighting is used it would need to meet these standards.

Terry Kathe, Building & Safety Manager, stated if there is an exterior light with a 150 watt light bulb it is required to be shielded with a cutoff or full cutoff fixture. The intent is to illuminate the area but not extend beyond the property line. He said the measurements are taken from the property line.

Wiltgen inquired if it would require light poles to accommodate those standards. Kathe stated yes if their intent is to properly light a parking lot. He added that lighting on a building would also require a cutoff fixture.

In response to Wiltgen's inquiry regarding the impact on roads, Pam Dingman, County Engineer, stated that West Denton has been on the One and Six-Year Road and Bridge Improvement Program plan for paving. She said a current traffic count was not available and they do not take counts during events because they want an overall picture of actual traffic. Dingman noted at the last traffic count in 2014 it was about 440 cars per day.

Marijane Hancock, 5504 Southwest 126th Street, Denton, Nebraska, appeared in opposition of the special permit. She expressed concerns with danger of fire and the lack of close emergency personnel.

The meeting was recessed at 10:50 a.m. Avery, Schorr and Hudkins exited meeting.

Avery, Schorr and Hudkins returned at 10:53 a.m. and the meeting resumed.

Chet Bennetts, 12121 West Denton Road, Denton, Nebraska, appeared in opposition of the special permit. He stated that he does not feel that the applicants will comply with the proposed regulations. Bennetts noted that the residence is owned by a limited liability company (LLC). He stated he has made calls personally to the County Sheriff regarding individuals trespassing following an event held at Hillside.

MOTION: Hudkins moved and Amundson seconded to deny the special permit application due to the fact it is not a home occupancy and lack of support for the venue.

Schorr requested clarification on the LLC. Derbin stated that regardless what kind of organization holds the legal title to the property it does not disqualify the individuals from obtaining a home occupancy permit. He noted the applicants do reside in the home on the property.

Amundson stated that she will be voting to deny the special permit based on the fact that there has been no support, lack of access to immediate emergency services and concern with the residence being owned by a LLC. She felt it would not be good governance to be dependent upon citizen complaints.

ROLL CALL: Hudkins and Amundson voted aye. Avery, Schorr and Wiltgen voted no. Motion failed 2-3.

MOTION: Wiltgen moved and Avery seconded to amend the resolution to revise site specific condition item #1 to include language provided by applicant (see Exhibit B). Schorr, Wiltgen and Avery voted aye. Hudkins and Amundson voted no. Motion carried 3-2.

MOTION: Schorr moved and Hudkins seconded to amend the resolution to revise site specific condition item #4 for outdoor events to be concluded by 10 p.m. and all events to be concluded by 12:00 a.m. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

MOTION: Hudkins moved and Wiltgen seconded to amend the resolution to state that outdoor lighting shall be cutoff as defined in Section 3 of the City of Lincoln design standards and shall meet the light trespass requirement defined in Section 9 of the City of Lincoln design standards. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

MOTION: Wiltgen moved and Avery seconded to strike site specific condition item #6 of the resolution granting the special permit for two years. Wiltgen, Schorr, Hudkins, Avery and Amundson voted aye. Motion carried 5-0.

MOTION: Hudkins offered an amendment that events up 250 people be allowed one day in any one calendar month with unlimited events of 100 people or less from April 1st through September

30th and no events be allowed between September 30th and April 1st. Motion failed for lack of a second.

MOTION: Avery moved and Wiltgen seconded to approve the resolution as amended.

Schorr stated that she felt the Board has worked very hard to provide a protected environment, by limiting the number of days and limiting the size of events. She noted site specific condition #7 which states, "Prior to occupancy, as required by Article 13.001aa(11) of the Lancaster County Zoning Resolution, the Lincoln-Lancaster Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under this special permit."

Avery said that new business should be encouraged in the County. He stated that peace and tranquility is important but cannot trump all other regulated activity. Avery said the rules are reasonable and fair and should serve the interest of all persons in the County and he will be voting yes on the amended resolution.

Wiltgen said he would be voting yes on the amended resolution as well. He stated he felt very strongly about including the requirement of alcohol being served by individuals licensed by Nebraska Liquor Control Commission.

Hudkins stated that he opposes the permit. He is pro-enterprise but does not feel this venue fits in the category of expanded home occupancy. Hudkins is concerned with the number of people using the roadway and limited access to the property for emergency services

Amundson said she would be voting no. She agreed with Hudkins with the lack of immediate emergency service available. Amundson stated it is very important that with the serving of alcohol at these events be regulated and that security be provided. She expressed concern with the effect the noise and the event activities will have on the horses and livestock on the neighboring farms.

ROLL CALL: Avery, Wiltgen and Schorr voted aye. Hudkins and Amundson voted no. Motion carried 3-2.

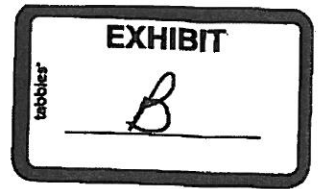
D. Resolution in the matter of witness fees paid by Lancaster County, which have remained unclaimed for six months or more. (R-16-0040)

MOTION: Hudkins moved and Wiltgen seconded approval of the resolution. Hudkins, Avery, Wiltgen, Schorr and Amundson voted aye. Motion carried 5-0.

E. Setting the annual salary for Captain Joshua Clark in the amount of \$91,436.96, effective July 7, 2016.

Kerry Eagan, Chief Administrative Officer, said a letter was sent to the Board with Sheriff Wagner's recommendation. He stated that Clark is being promoted from Sergeant to Captain.

MOTION: Hudkins moved and Wiltgen seconded approval of the salary. Avery, Wiltgen, Schorr, Hudkins and Amundson voted aye. Motion carried 5-0.



BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

RESOLUTION IN THE MATTER OF COUNTY)
SPECIAL PERMIT NO. 16021, EXPANDED)
HOME OCCUPATION FOR HILLSIDE EVENTS) RESOLUTION NO. _____
ON PROPERTY GENERALLY LOCATED AT)
12400 WEST DENTON ROAD, LANCASTER)
COUNTY, NEBRASKA)

WHEREAS, Tyler and Melissa Smith, on behalf of Hillside Events LLC, requested approval of County Special Permit No. 16021, to allow an Expanded Home Occupation on property generally located at 12400 West Denton Road, Lancaster County, Nebraska, legally described as follows:

Lot 19 I.T. located in the SW1/4 of Section 17, Township 9 North,
Range 5 East; Lancaster County, NE;

WHEREAS, the Lincoln-Lancaster County Planning Department recommended conditional approval of said Special Permit, concluding that the special permit for Expanded Home Occupation to allow large gatherings, such as wedding receptions, should have limited impact on adjacent properties given the site plan and proposed conditions;

WHEREAS, on May 25, 2016, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 16021 and voted 5-2 to recommend denial of the special permit;

WHEREAS, on June 28, 2016, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing on County Special Permit No. 16021; and

WHEREAS, on June 30, 2016, July 7, 2016, and July 12, 2016, the Board of Commissioners of Lancaster County, Nebraska, continued discussion regarding County Special

Permit No. 16021;

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of Commissioners, that County Special Permit No. 16021 to allow an Expanded Home Occupation on property generally located at 12400 West Denton Road, Lancaster County, Nebraska, legally described as follows:

Lot 19 I.T. located in the SW1/4 of Section 17, Township 9 North,
Range 5 East; Lancaster County, NE;

be and hereby is approved with the following waivers and conditions:

WAIVERS

1. Waive the requirement for gravel surface of parking lots for the overflow parking.
2. Waive the requirement that outside areas used for the business not exceed 15,000 square feet.
3. Waive the requirement that all outside business related activity be 200 feet from all property lines.
4. To allow more than two employed persons who are not members of the family residing on the premises to carry out the occupation or activity on the premises.

SITE SPECIFIC CONDITIONS

1. Events up to 250 persons are allowed two days in any one calendar month from March 1st through November 30th, provided that a wedding event may also include gatherings such as wedding rehearsals and pre-nuptial dinners not involving more than 50 people. No events are allowed between November 30th and March 1st.

(The limitation of two events per month effectively limits the number of people working on site. Thus, it eliminates the need to limit the number of persons working on site because events of this size are roughly equivalent to 80 hours of work on site)

2. Any outside music is not allowed to use speakers or other forms of amplification.
3. Any portion of an event held outdoors must conclude by 10:00 p.m.

4. Fireworks are not allowed except on July 3rd and 4th.
5. Owners shall provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the south and east property lines adjacent to the any outdoor area or parking lot.
6. ~~The special permit is granted for two years from the date of the County Board's approval.~~
7. 6. Any individual or entity dispensing alcohol on site must be licensed under the Nebraska Liquor Control Act.
8. 7. Prior to occupancy, as required by Article 13.001aa(11) of the Lancaster County Zoning Resolution, the Lincoln-Lancaster Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under this special permit.

STANDARD CONDITIONS

1. The following conditions are applicable to all requests:
 - 1.1. Before starting the operation all development and construction shall substantially comply with the approved plans.
 - 1.2 All privately-owned improvements, including landscaping shall be permanently maintained by the Permittee.
 - 1.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 1.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 1.5 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

DATED this ____ day of July, 2016, at the County-City Building, Lincoln, Lancaster County,

Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this ____ day of
July, 2016.

for JOE KELLY
County Attorney

LETTER OF ACCEPTANCE

Tyler and Melissa Smith, on behalf of Hillside Events, LLC, owner of record, hereby agree to all of the conditions of Special Permit No. 16021, to allow an Expanded Home Occupation on property generally located at 12400 West Denton Road, legally described as Lot 19 I.T. located in the SW1/4 of Section 17, Township 9 North, Range 5 East; Lancaster County, NE, granted by the Lancaster County Board of Commissioners, and embodied in Resolution No. _____, all costs which we hereby represent have been paid and that this agreement shall be binding upon Hillside Events, LLC, and its heirs, successors, and assigns, and shall run with the land.

DATED this ____ day of _____, 2016, in Lancaster County, Nebraska.

Owner of Record

BY:

Melissa Smith
for Hillside Events, LLC

STATE OF NEBRASKA)
)
County of Lancaster)

ss.

On this ____ day of _____, 2016, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came _____, known to be the identical person whose name is affixed to this agreement, and acknowledged execution of the same to be her voluntary act and deed.

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2016.

Notary Public

Owner of Record

BY:

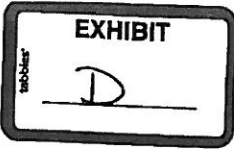
Tyler Smith
for Hillside Events, LLC

STATE OF NEBRASKA)
)
County of Lancaster) ss.

On this ____ day of _____, 2016, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came Eugene R Benes, known to be the identical person whose name is affixed to this agreement, and acknowledged execution of the same to be her voluntary act and deed.

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2016.

Notary Public



Multiple Reasons Based on Background & Documented Issues as to Why SP16021 Should NOT Be Approved and Why There Should be Concerns That This Will Be Managed Appropriately

----- Forwarded message -----
From: Tom J. Cajka <tcajka@lincoln.ne.gov>
Date: Mon, May 2, 2016 at 9:21 AM
Subject: RE: SP16021 Hillside Events (12400 West Denton Road) Expanded Home Occupation Permit & Safety Concerns with Location, Etc. & Unregulated Alcohol Serving & Consumption
To: Sean Fintel <sean.fintel@gmail.com>

I wanted to let you know that Planning has turned this over to Building and Safety Department to be treated as a violation of the zoning ordinance. Building and Safety is the enforcement agency. Planning, Building and Safety and the County Attorney's Office have all advised the owners to cease operations until they have the special permit and their building is in compliance with all building codes.

Tom Cajka, Planner II
County Planner
Lincoln Lancaster County Planning
402-441-5682

- 1) Lack of appropriate permits ahead of time and they have shown that there may be issues with "respect with authority" when they were allowed to proceed in the interim on a "probationary basis" and have also been told to "cease operations" on 5/2 and still proceeded and potentially put people at risk.
- 2) Issues with "illegal wastewater treatment system" that they did on their own - shows potential for a lack of "following rules" which would be very important when it comes to essentially self-regulation.
- 3) Significant issue with proximity to neighboring property (Wulf) to the east (~84 feet) which is well below the 200 feet requirement.
 - This is very important considering they plan to have horses on this property. The right to farm policy should preclude any encroachment with something like this.

- 4) Multiple items that would require multiple waivers that if approved will significantly affect the neighboring properties (and this has already been documented that there are problems)
- 5) Lack of sufficient screening (even after the trees they have moved in) on the south and east side of the property.
- 6) Public safety concerns including lack of ability to respond to issues and for attendees to evacuate and for emergency personnel to arrive in small driveway.
- 7) Wildfire concerns from people smoking and putting out cigarettes in the grass parking lot area.
- 8) Proceeding with "special designated liquor license" and putting a vendor at risk when they were to cease operations (for May 21st)
- 9) Concerns with the design of the road currently (and issues with dust and the inherent health concerns) and even when it is paved, it will not be able to safely handle that many people entering this commercial business without a turn lane.
- 10) Documented issues including:
 - ✖ Crowd, light, and noise control
 - Increased litter in the area
 - ✖ Trespassing (on our property and another property to the east)
 - Mr. Ballentine (in his letter) mentioned a theft issue (report on file in April)
 - ✖ Impeding traffic on West Denton Road
 - Building and safety code concerns
 - Issues with "keeping the peace" among their neighbors
 - ✖ Reckless driving and harassment issues by people at the "Hillside Events"
 - ✖ Public urination (2x)

- Why can't we review the resolution modifications?
- Denton community

Summary of Events in 2016 at Hillside Events According To My Records

8 Events

- **April 23rd** – First event in 2016 that we were aware of. We informed the Smiths about our concerns with the level of music and intensity of lights shining into our house in person (on April 24th).
- **April 30th** – I called Mr. Smith and then texted with concerns and our concerns were essentially ignored, even though I asked very nicely and professionally during the phone call. It is my understanding that a deputy (Deputy Brabec) later called and asked them to turn down music and lights.
- **May 7th** – Crowd control issues, people cussing, yelling, and cussing to us in a threatening manner. – Deputies were called and one showed up to address issues.
- **May 14th** – Multiple neighbors called with issues including trespassing, loud music, and crowd control issues. Three deputies came first time and they also came later when other neighbors called.
- **May 21st** – That is the date that Mr. Hunzeker is referring to regarding the special designated license. I called Ken's Kegs to inform them about Hillside Events being "advised to cease operations" (on May 20th) and they were appreciative because they were not told by the Smiths. The special designated license was not utilized is my understanding. However, no deputies were called because there wasn't an issue.
- **May 28th** – Trespassing issue on our property and loud music and loud, cussing people. Three deputies came.
- **June 4th** – A wedding only with no reception (that is our understanding) – No issues
- **June 25th** – Criminal harassment issue from someone departing Hillside Events at 8:26 PM, Reckless Driving / Endangerment Issue & Loud Music Issue at 10:11 PM – Multiple calls from multiple neighbors. One deputy came the first time and two deputies the 2nd time.

What is the common denominator?

- Of these 8 events, when alcohol was served or brought to Hillside Events, there were issues with all of them.
- When there is alcohol involved, that is when the issues including public urination, drinking in parking lot, trespassing, harassment, and reckless endangerment / driving issues have occurred.
- When there was not alcohol on June 4th, and no late reception on the 21st (and special designated liquor license not used), WE did not have any issues nor did neighbors (as far as I am aware) report any issues to the Sheriff.
- Alcohol in this environment where people come and go and the Smiths admit "random people show up" (at hearing on May 25th) = troubles and an accident waiting to happen.