

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, SEPTEMBER 5, 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 September 1, 2017.

Commissioners present: Bill Avery, Vice Chair; Jennifer Brinkman and Deb Schorr

Commissioners absent: Todd Wiltgen, Chair and Roma Amundson

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 Vice Chair called the meeting to order at 9:01 a.m., the Pledge of Allegiance was recited and 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, August 29, 2017.

MOTION: Schorr moved and Brinkman seconded approval of the minutes. Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

2) CLAIMS:

A. Approval of all claims processed through September 5, 2017.

MOTION: Brinkman moved and Schorr seconded approval of the claims. Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

3) SPECIAL PRESENTATION:

A. Lancaster County Visitors Improvement Fund Grant to Friends of the Lied – Lied Center for the Performing Arts in the amount of \$175,000 for improvements to the Lied Center – Bill Stephan, Executive Director of Lied Center for the Performing Arts. (See correlating item 5A)

Bill Stephan, Executive Director of the Lied Center for the Performing Arts, thanked the Board for their support to the arts. He stated the Lied Center is the top tourist attraction in Lancaster County with an annual \$4,200,000 economic impact. Stephan said the grant fund will be used toward renovating the theater's seats which will cost \$362,000. He noted that over half the cost has been raised from community donations. Stephan added that the Lied Center is a non-profit organization.

In response to Schorr's inquiry if ticket sales are tracked, Stephan replied they are tracked by zip codes with 30% being from outside of Lincoln. He added the seat renovation project is scheduled to be completed by next summer.

The Board took action on Item 5A.

4) PUBLIC HEARING:

A. County Special Permit 16021A, an amendment to County Special Permit 16021 for Hillside Events, to amend Site-Specific Condition Number 5 to revise the landscape screening at 12400 West Denton Road, Denton, Nebraska. (See correlating item 5B)

The Vice Chair opened the public hearing.

Mark Hunzeker, Baylor Evnen Law Firm, was administered the oath and appeared on behalf of Hillside Events Center. He said the amendment is due to a differing interpretation of the screening condition in the original special permit and the County Attorney's Office has requested clarification in regards to the height of trees for screening purposes at the time of planting. Hunzeker requested the Board amend the condition to incorporate the City of Lincoln's landscape design standards since the County does not have design standards for screening.

Hunzeker presented the site plan for the property (Exhibit A) indicating the location of the house, parking, barn and the outside wedding area. He said due to time constraints and the initial hedge plantings not surviving, the property line has been fenced (Exhibit B). Hunzeker stated a request was made to Planning to eliminate the screening along the north/south line because the amount of trees already provide screening (Exhibit C). He displayed photos of the current height of the screening at the entrance drive to the property (Exhibits D, E and F). Hunzeker said he feels the owners are in compliance with the screening requirement.

Luana Petsche, 7025 Cass Avenue, Denton, was administered the oath and appeared in opposition. She questioned if the fence placed on the east side of the property covers the lagoon that is placed close to the property line. Petsche stated that she is opposed to the idea of an event center close to their property due to increased traffic and noise.

Tom Cajka, Lincoln-Lancaster County Planning Department, was administered the oath. He said the amendment is not pertaining to use or other conditions but specific to the one condition dealing with screening and landscaping. He noted all other conditions of the original special permit are still in effect. Cajka stated the original permit was approved with the screening condition of 60% screen from the ground to 10 feet above ground next to the south and east property lines and next to any outdoor area.

Renee Wulf, 1700 West Mulberry Court, Lincoln, was administered the oath and appeared in opposition. She provided a map and photos that showed the location of the lagoon, a dirt pile and weeds (Exhibit G). She expressed concerns with the location of the lagoon so close to the property line and the amount of erosion that it creates. Wulf said a neighboring property boards and trains horses (Exhibit H) and the noise from wedding receptions could the scare the horses and become a liability.

Chet Bennetts, 12121 West Denton Road, Denton, was administered the oath and appeared in opposition. He expressed concerns with the noise, sound and waste water. Bennetts stated that the picture previously shown by Hunzueker was not a true perspective of the actual height of the trees. He added the neighbors now have to wait for those to mature in hopes of providing actual screening for noise and lights.

No one appeared in a neutral capacity.

Schorr inquired if the lagoon is in the right place and if the fence will provide screening. Cajka said the screening condition in the original special permit stated, "Owners shall provide a landscape plan that shows 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 outdoor area includes areas associated with events such as the patio and the outdoor wedding ceremony space. Cajka added that lagoons do not fall under the condition being discussed today.

Cajka said a question also arose regarding whether the plants had to be 10 feet tall at the time of planting. Since the original special permit did not specify that the City of Lincoln design standards for screening would be utilized, it was the County Attorney's opinion that they would need to be 10 feet tall at the time of planting. Cajka said this was not the Planning Department's intent. He noted the City's design standards require that cedar trees be a minimum of 4.5 to 6 feet tall at the time of planting. Cajka added that he recently viewed the trees and in his opinion they do meet the condition of 60% screening.

Hunzueker said the lagoon was professionally installed and inspected by the Health Department. He stated in regards to the issue of noise, there is a requirement in the original special permit that all activity is to stop by midnight. He added that the owners have written into their client contracts that all activity is to cease by 11:00 p.m. with no outdoor activity after 10:00 p.m. No one appeared in a neutral position.

The Vice Chair closed the public hearing.

The Board took action on Item 5B.

5) NEW BUSINESS:

- A. Lancaster County Visitors Improvement Fund Grant contract in the amount of \$175,000 to Friends of the Lied – Lied Center for the Performing Arts for improvements to the Lied Center for the Performing Arts. The term of the grant contract is December 1, 2016 through September 30, 2018. (C-17-0726)**

MOTION: Brinkman moved and Schorr seconded approval of the grant contract. Schorr, Brinkman and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

- B. Resolution in the matter of County Special Permit No. 16021A, an amendment to County Special Permit No. 16021 for Hillside Events, to amend Site-Specific Condition Number 5 to revise the landscape screening on property generally located at 12400 West Denton Road, Lancaster County, Nebraska. (R-17-0066)**

MOTION: Brinkman moved and Schorr seconded approval of the resolution.

Dave Derbin, Deputy County Attorney, recommended that if it is the intent of the Board not to include the lagoon as part of the "outdoor area" he would ask the Board to approve the resolution with an amendment that the outdoor area does not include the lagoon for screening purposes.

MOTION: Brinkman moved and Schorr seconded to amend the resolution to state the outdoor area will not include lagoon. Schorr, Brinkman, Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

ROLL CALL ON ORIGINAL MOTION AS AMENDED: Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

C. Special designated license application from Farm For Life, Inc., for the Luke Bryan Farm Tour concert at 701 Southwest 63rd Street, Lincoln, on September 28, 2017.

Steve Money, Farm for Life, requested the provision for the non-profit event requirement of double fencing be waived. He stated the area surrounding the venue has a 6 foot chain link fence and there will be over 150 security personnel at the event. Money said double fencing could create a safety issue.

Derbin said the County's action on special designated liquor licenses is a recommendation to the Nebraska Liquor Control Commission. He stated the request is contained within Farm For Life's application, thus if the Board recommends approval it is implied that the waiver is included.

Schorr asked Terry Wagner, County Sheriff, if he had any concerns with the double fencing waiver. Wagner said the double fencing pertains more to a street dance environment and he did not have any concerns with a single fence in this situation.

MOTION: Schorr moved and Brinkman seconded approval of the special designated license and double fence waiver. Schorr, Brinkman and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

D. Federal Equitable Sharing Agreement and Annual Certification Report for the Lancaster County Sheriff's Office regarding equitable sharing activity of drug forfeiture funds for the fiscal year ending June 30, 2017. (C-17-0727)

Wagner explained this would be for activities of the previous year. He said this is an annual report to the Department of Justice on equitable sharing.

MOTION: Schorr moved and Brinkman seconded approval of the agreement and certification. Schorr, Brinkman and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

- E. Acquisition Contract between the State of Nebraska Department of Transportation and Lancaster County for the acquisition of additional right-of-way for U.S. Highway 6 by the State from a portion of property owned by the County. The State will pay the County the sum of \$320 for the property, as legally described in the Acquisition Contract and the County shall convey title to the property to the State by quitclaim deed. (C-17-0728)**

MOTION: Schorr moved and Brinkman seconded approval of the contract. Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

- F. Medicare enrollment application for clinics and group practices for revalidation of the Lancaster County Community Mental Health Center's enrollment information. (C-17-0729)**

MOTION: Brinkman moved and Schorr seconded approval of the application. Schorr, Brinkman and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

- G. Recommendation from Purchasing and Lancaster County Records Management to award a purchase order for a maintenance agreement to Kodak Alaris. The total amount of the yearly agreement is \$10,047.55. (C-17-0719)**

MOTION: Schorr moved and Brinkman seconded approval of the recommendation. Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

- H. Amendment to County Contract C-16-0078 with Language Line Services, Inc., using the State of Nebraska Contract No. 48860 04 for phone and video language interpretation services. The amendment renews the contract from August 1, 2017 through July 31, 2018. The estimated cost to the County is not to exceed \$500. (C-17-0720)**

MOTION: Brinkman moved and Schorr seconded approval of the amendment. Schorr, Brinkman and Avery voted yes. Amundson and Wiltgen voted yes. Motion carried 3-0.

- I. Amendment to County Contract C-16-0009 with Envirotech Services, Inc., using the State of Nebraska Contract No. 14318 OC for anti-icer/deicer solution. The amendment extends the contract from August 26, 2017 through May 25, 2018. The estimated cost to the County is not to exceed \$12,000. (C-17-0725)**

MOTION: Schorr moved and Brinkman seconded approval of the amendment. Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

J. Contracts with the following medical providers for specialized care of General Assistance clients. Providers will be reimbursed at the Medicaid rate.

- 1. Central Nebraska Rehabilitation Service (C-17-0721)**
- 2. Head and Neck Surgical Partners, LLC d/b/a Physicians Surgical Center (C-17-0722)**
- 3. Gynecology and Fertility, P.C. (C-17-0723)**
- 4. Women's Clinic of Lincoln (C-17-0724)**

MOTION: Schorr moved and Brinkman seconded approval of the contracts. Schorr, Brinkman and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

K. Acceptance of the POWER HOUR Grant Award 17-JS-0413 from the Nebraska Commission on Law Enforcement and Criminal Justice in the amount of \$7,500. (C-17-0732)

Sara Hoyle, Human Services Director, provided an overview of items K thru M.

MOTION: Schorr moved and Brinkman seconded approval of the grant award. Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

L. Acceptance of the RESTORE Grant Award 17-JS-0425 from the Nebraska Commission on Law Enforcement and Criminal Justice in the amount of \$51,000. (C-17-0733)

MOTION: Brinkman moved and Schorr seconded approval of the grant award. Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

M. Acceptance of the ACCC Serving Refugee and Other Immigrant Youth Grant Award 17-JS-0428 from the Nebraska Commission on Law Enforcement and Criminal Justice in the amount of \$56,316. (C-17-0734)

Sheila Dorsey Vinton, Asian Center Director, provided an overview of the services provided by the grant award and contract (Item 50).

MOTION: Brinkman moved and Schorr seconded approval of the grant award. Schorr, Brinkman and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

N. Grant contract with Boys and Girls Club of Lincoln-Lancaster County in the amount of \$7,500 for the Power Hour program through the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Grant (#17-JS-0418). Term of the grant contract is July 1, 2017 through June 30, 2018. (C-17-0392)

MOTION: Schorr moved and Brinkman seconded approval of the grant contract. Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

- O. Grant contract with Asian Community and Cultural Center in the amount of \$56,316 for the Serving Refugee and Other Immigrant Youth program through the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Grant (#17-JS-0428). Term of the grant contract is July 1, 2017 through June 30, 2018. (C-17-0473)**

MOTION: Brinkman moved and Schorr seconded approval of the grant contract. Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

- P. Grant contract with the University of Nebraska-Lincoln, Center on Children, Families and the Law in the amount of \$5,000 for the evaluation of the Restore Grant (#17-JS-425). Term of the contract is July 1, 2017 through June 30, 2018. (C-17-0654)**

Bruce Prenda, Chief Deputy County Attorney, provided an overview of the services provided by this grant contract.

MOTION: Schorr moved and Brinkman seconded approval of the grant contract. Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

- Q. Grant contract with Salvation Army in the amount of \$31,040 for the Sudanese Advocacy program. The contract is funded with Juvenile Justice Prevention Funds for the period of July 1, 2017 through June 30, 2018. (C-17-0716)**

Major Mark Anderson, Salvation Army, and Yohanhes Thek, Sudanese Advocate, provided an overview of the services provided by the grant contract.

MOTION: Brinkman moved and Schorr seconded approval of the grant contract. Schorr, Avery and Brinkman voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

- R. Grant contract with Guidance to Success in the amount of \$30,700 for the Youth Club. The contract is funded by the Nebraska Crime Commission grant #16-CB-523. (C-17-0730)**

Angelo Stabler, Guidance to Success Director, provided an overview of the services provided by the grant contract.

MOTION: Schorr moved and Brinkman seconded approval of the grant contract. Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

- S. Grant contract with Guidance to Success in the amount of \$13,260 for the Youth Programs. The contract is funded by Juvenile Justice Prevention Funds. (C-17-0731)**

MOTION: Schorr moved and Brinkman seconded approval of the grant contract. Schorr, Brinkman and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

- 6) **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. Utility Permit No. 1583 allowing Windstream Nebraska, Inc., to install a new buried cable adjacent to North 148th Street to clear conflicts with Box Culvert H-130 construction. There is no cost to the County. (C-17-0717)
 - B. Receive and place on file the following reports:
 - 1. County Clerk's Office for August 2017.
 - 2. County Sheriff's Office for July 2017.
 - C. Setting a public hearing on Tuesday, September 26, 2017 at 4:00 p.m. in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding the Board of Equalization property valuation protest process.

MOTION: Brinkman moved and Schorr seconded approval of the consent items. Schorr, Brinkman and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.

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

No one appeared for public comment.

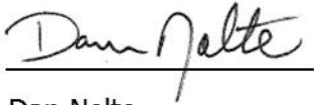
8) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a meeting on Thursday, September 7, 2017 at 8:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding the Lancaster County budget for fiscal year 2017-2018.
- B. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, September 7, 2017 at 9:00 a.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10th Street, Lincoln).
- C. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, September 12, 2017 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.
- D. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.

- E. The Lancaster County Board of Commissioners meeting is broadcast live on LNKTV City. For the rebroadcast schedule visit lincoln.ne.gov (keyword: LNKTV). Meetings are also streamed live on LNKTV and can be viewed on YouTube (LNKTVcity).

9) **ADJOURNMENT**

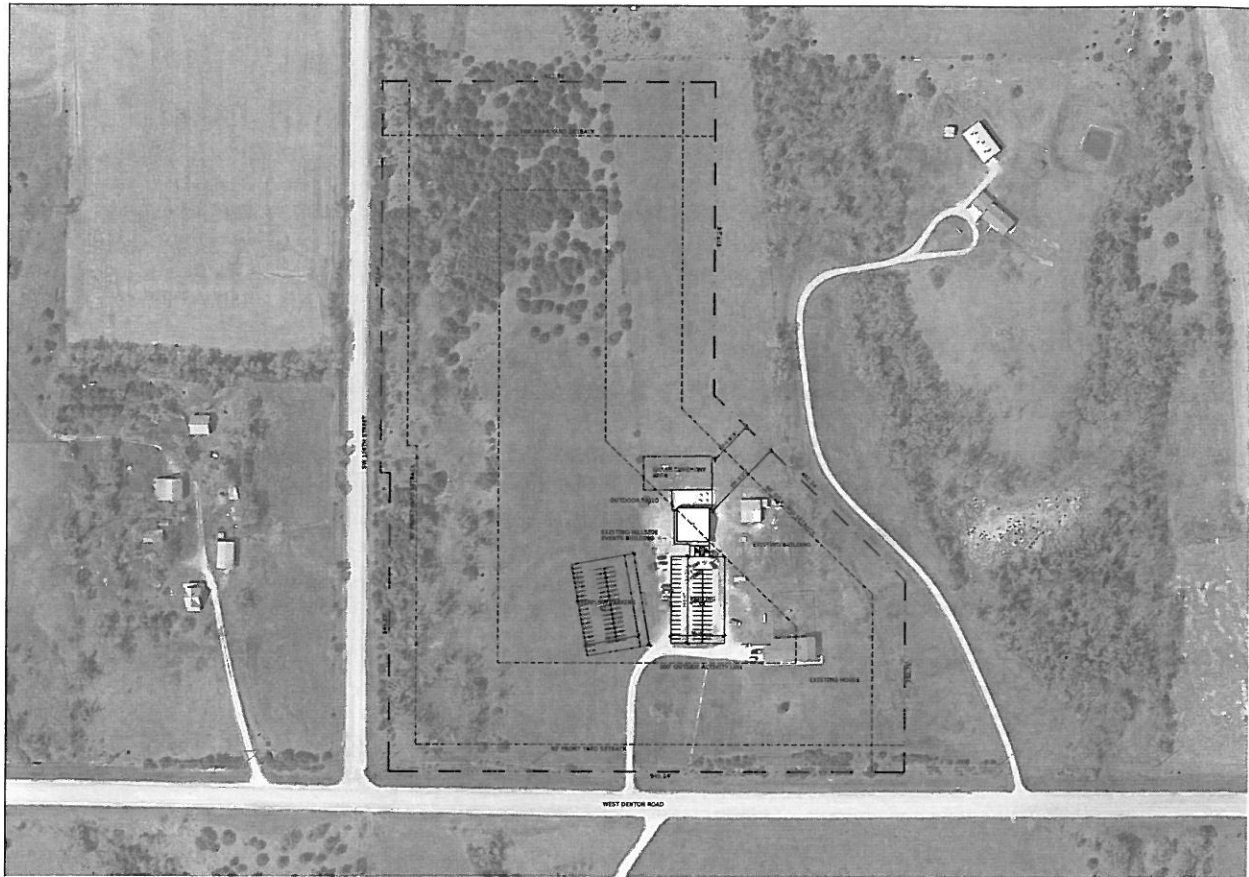
MOTION: Schorr moved and Brinkman seconded to adjourn the Lancaster County Board of Commissioners meeting at 10:37 a.m. Brinkman, Schorr and Avery voted yes. Amundson and Wiltgen were absent. Motion carried 3-0.



Dan Nolte
Lancaster County Clerk



NOTICE OUR ETCETERA BE INSPIRED BY OUR ARCHITECTURE



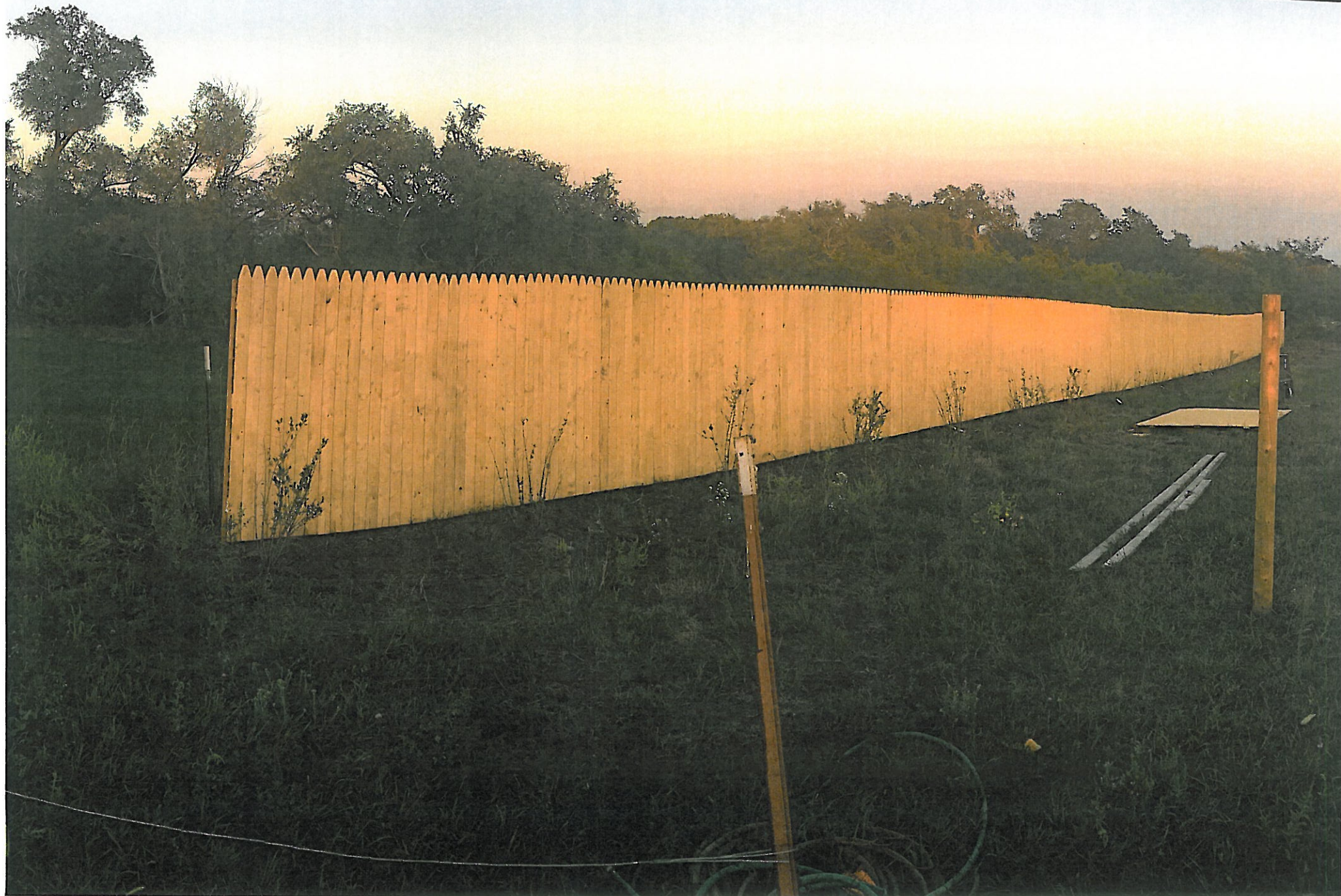
N **A1.1** **A1.01** **SITE PLAN**
 SCALE 1"=80'-0"

ARCHITECT FIRM ARCHI ETC ARCHITECTURE 12400 W. Denton Rd. Denton, TX 76205 P. 940.382.1111
Building Name Hillside Events 12400 W. Denton Rd. Denton, TX 76205 SITE PLAN
Date Started 6-10-16
16-049 © Denton, LLC All Rights Reserved No part of this document may be reproduced without the written permission of the architect.
A1.01

EXHIBIT

tabbles®

B



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EXHIBIT
C



EXHIBIT

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EXHIBIT

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E



EXHIBIT
F

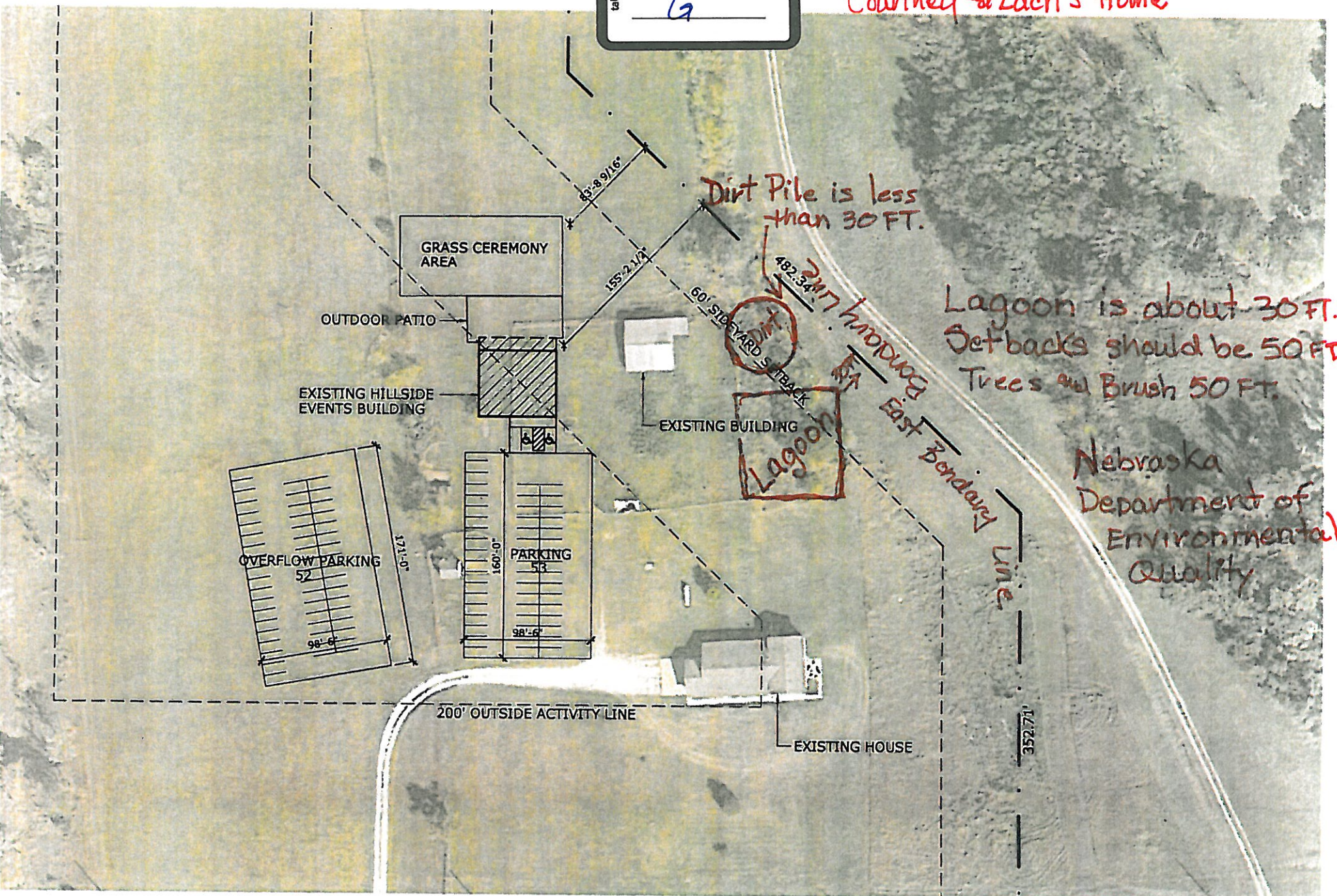


EXHIBIT

G

tabbies

Zach Kaup's Business Training Horses
Courtney and Zach's Home



Dirt Pile is less than 30 FT.

Lagoon is about 30 FT.
Setbacks should be 50 FT.
Trees and Brush 50 FT.

Nebraska Department of Environmental Quality

12400 W Denton Rd.

W Denton Road

12300 W Denton

Standing in front of car
Lagoon is a big part of Hillside Events and all needs
to be 100% screened and move dirt pile or
cover with screen

Fence that borders Lagoon

30 FT



Boundary Line

Less than 30 FT

Erosion

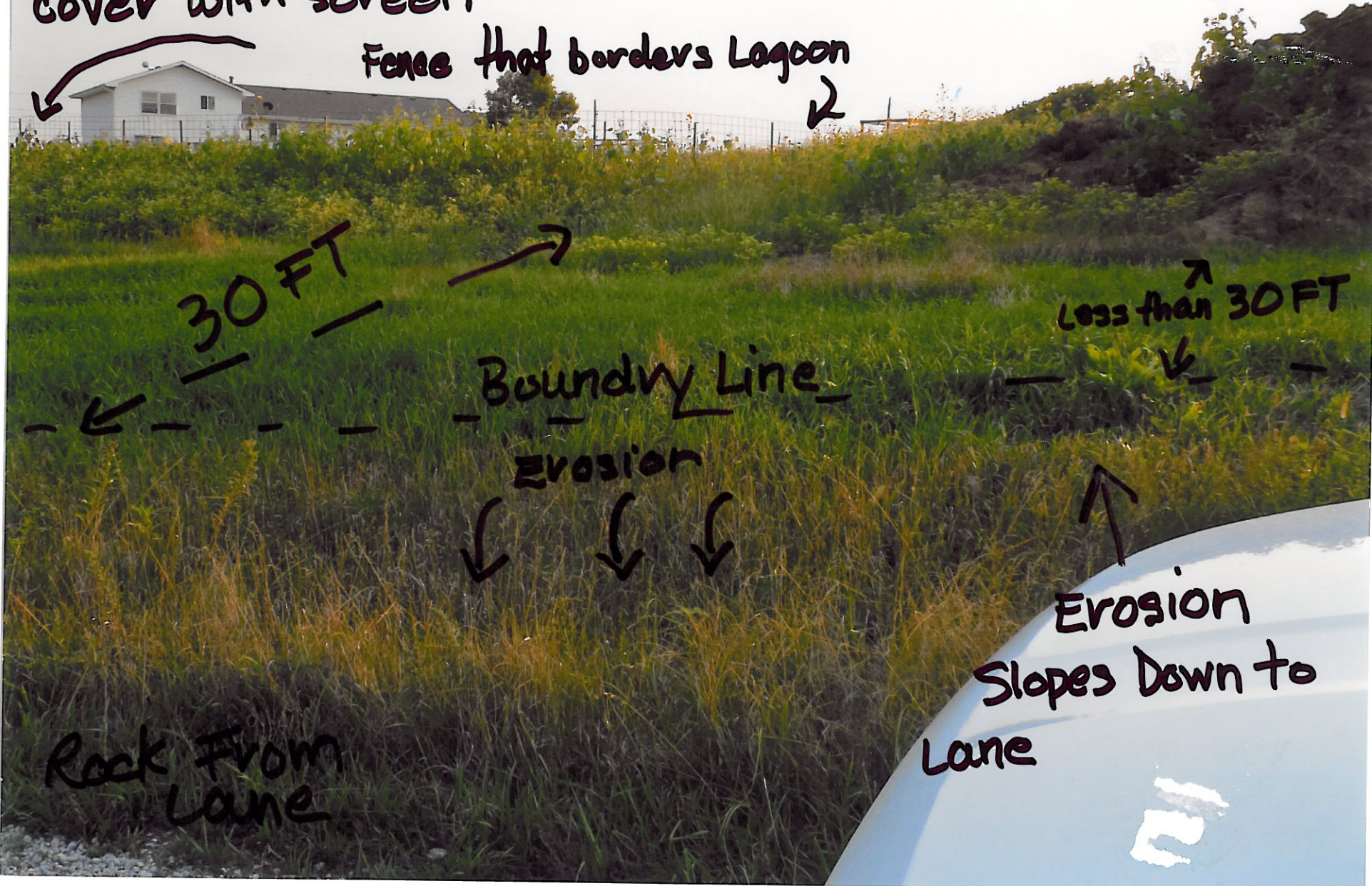


Erosion

Slopes Down to

Lane

Rock From Lane



Lagoon Size - 250 people

Need 100% screening

Picture taken inside my car from driver side

Sunday Sept. 3

This is how close Lagoon is! (from the car)

View is disgusting / order 250 waste water people

↑ Weeds →

↙ Slope Rainwater Erosion ↘

↙ 30 FT TO Boundary Line ↘

↙ Slope From Dirt Pile Rainwater Erosion ↘



Lagoon/Weeds

Dirt Pile/Weeds

Fence

30 FT

Less than 30 FT

Rainfall
will Ero

Road Erosion
Lane

My Car

slope

slope

Fence should run along all of east boundary line which is part of Hillside events covering Lagoon and vineyard.

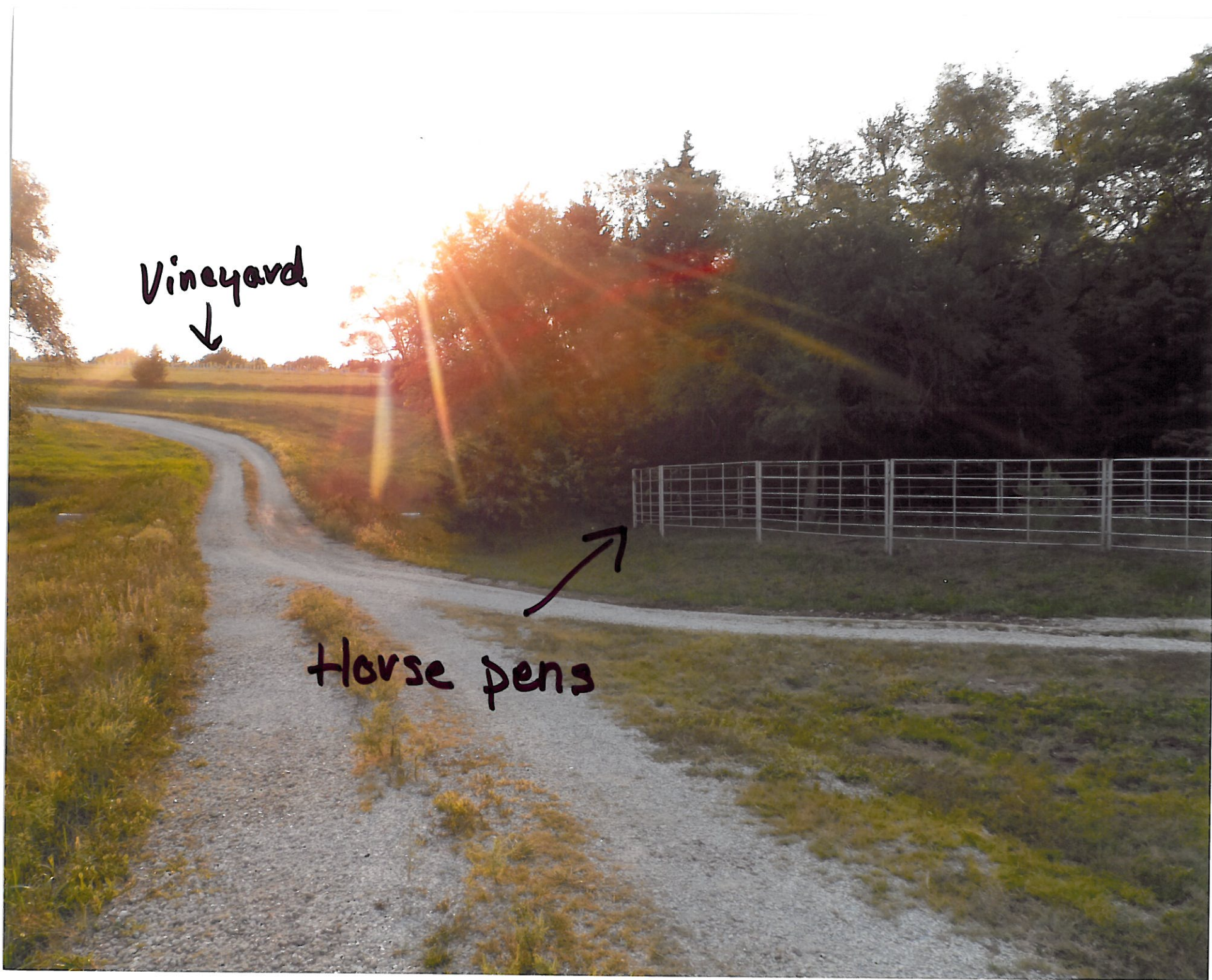
Hillside
Events
↓

Part Fence
↓



Vineyard
↓

↗
Horse pens



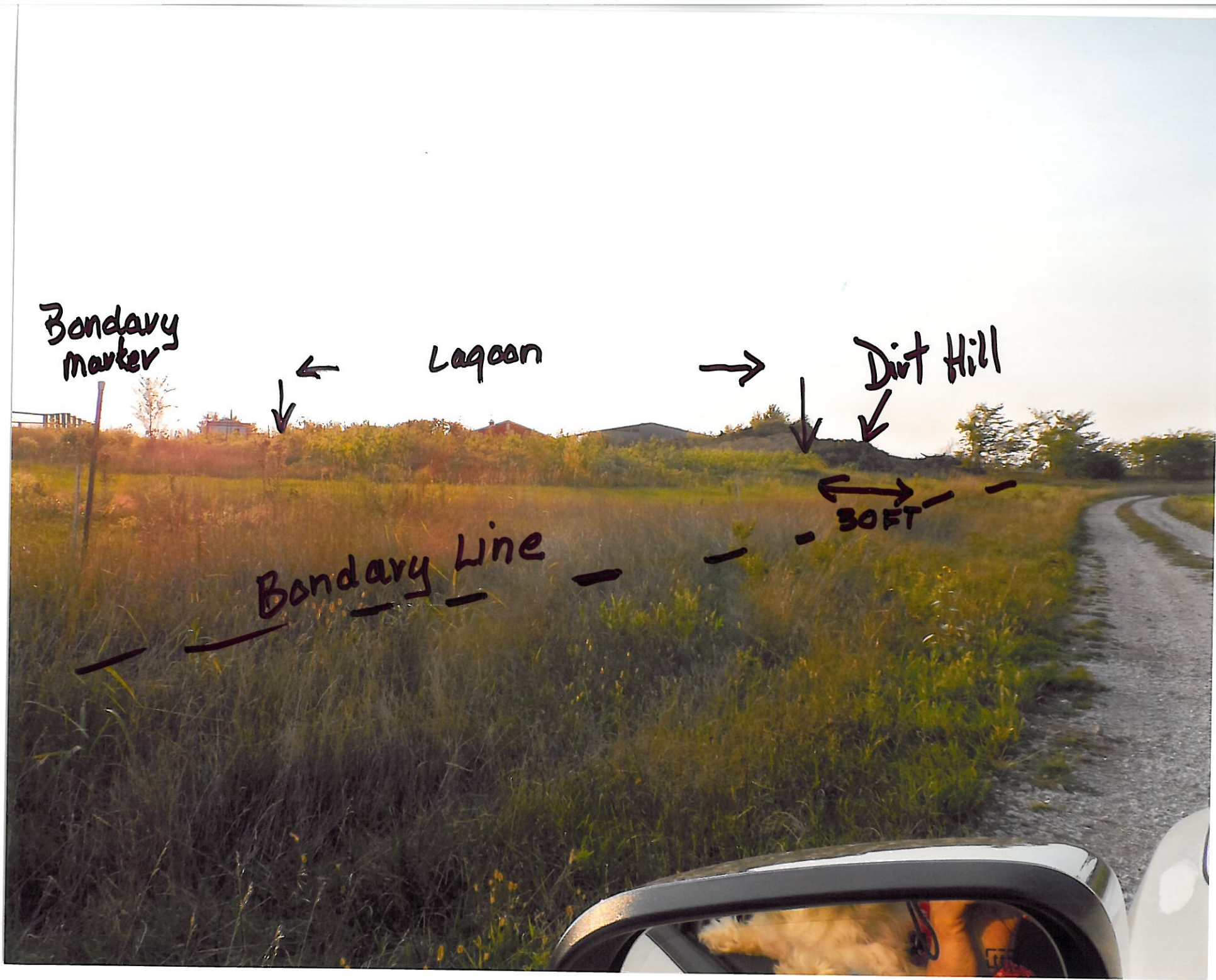
Boundary marker

Lagoon

Dirt Hill

Boundary Line

30 FT



Zach and Courtney's horses
Zach Boards Horses for his clients
Zach Trains Horses

Liability

Spooked Horses are a danger to themselves, people
and to the traffic



Zach Trains Horses in this round pen
which he was with a client on Sunday

