

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113 – BILL LUXFORD STUDIO  
THURSDAY, MAY 25, 2017  
9:00 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Dan Nolte, County Clerk; Kelly Lundgren, 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 May 24, 2017.*

The Chair noted the location of the Open Meetings Act and opened the meeting at 9:00 a.m.

**1. APPROVAL OF MAY 18, 2017 STAFF MEETING MINUTES**

**MOTION:** Amundson moved and Schorr seconded approval of the May 18, 2017 Staff Meeting minutes. Brinkman, Schorr, Amundson and Wiltgen voted yes. Avery was absent. Motion carried 4-0.

**2. LEGISLATIVE UPDATE - Gordon Kissel, Joe Kohout and Jonathan Bradford, Kissel/E&S Associates (Legislative Consultants)**

Joe Kohout, Kissel/E&S Associates, presented a legislative update and legislative bills reports (Exhibit A and B). Kohout said the legislature adjourned on Tuesday, May 23, 2017. He noted the following bills of interest to Lancaster County: LB508 (Change population threshold for the county civil service system and change provisions relating to personnel policy boards and boards of county commissioners); LB333 (Change provisions relating to custody, services and assistance for persons with developmental disabilities) was amended and signed by the Governor; LB145 (Provide for a hearing to determine financial ability to pay fines and costs and traffic citations and provide for community service) was amended into LB259 (Adopt and change competency and financial ability provisions relating to court proceedings as prescribed) and signed by the Governor. Kohout stated there continues to be discussion regarding a potential Special Session, however that would depend on what is seen during May and June as far as tax receipts. He discussed Senator Steve Erdman's press conference Tuesday regarding bringing forth a constitutional amendment in the next session that would cap property tax receipts.

Avery entered the meeting at 9:06 a.m.

Kohout also discussed the Interim Studies as listed on the Weekly Update (Exhibit A).

- 3. DEPARTMENT BUDGET HEARINGS** - Dennis Meyer, Budget and Fiscal Officer
  - A. District Court (624)**
  - B. Risk Management (12 & 13)**

#### **A. District Court (624)**

Present was Jared Gavin, District Court Administrator.

Dennis Meyer, Budget & Fiscal Officer, said he will bring a resolution to the Board on Tuesday, May 30, 2017 for additional appropriations for District Court in the amount of \$343,000. Gavin explained that the need for the additional appropriation is largely due to attorney fees which is an unpredictable cost. He stated 94.3% of the cases are criminal with less than 6% being civil cases.

Wiltgen noted that \$550,000 was budgeted for legal fees in last year's budget (FY2017). Meyer said the initial request was probably higher and then it was reduced. Gavin said while the average fee is \$900 there could be cases that are as much \$15,000.

Gavin provided an overview of District Court services. He stated revenue sources consist of welfare reimbursements, Sheriff's fees, miscellaneous fees and court cost reimbursement. In regards to the computer request, Gavin said he is requesting eight computers.

Gavin said there are currently two law clerks in District Court who are licensed attorneys. He stated their salary is not reflective of the type of work they do. Gavin said he is requesting a 25% increase in salary and would request that Human Resources provide comparable information and formal reclassification.

**MOTION:** Amundson moved and Avery seconded to authorize the District Court to contact Human Resources and proceed with a comparability study and job description review for the District Court law clerks. Schorr, Avery, Amundson, Brinkman and Wiltgen voted yes. Motion carried 5-0.

#### **B. Risk Management (12, 13)**

Present was Sue Eckley, County Risk Manager

Meyer said Risk Management is divided into Workers' Compensation (12) and General Liability (13).

Eckley provided an overview of services for both sections.

Meyer stated the proposed budget for Workers' Compensation is down 24%, but he will need to review the fund balance once the fiscal year is complete. He added Eckley's salary, benefits and office supplies are part of this budget. Eckley said there were a couple of large claims this year and that number can fluctuate if there are complications after an injury. Meyer explained that the Workers' Compensation fund is strictly through assessments to county departments as well as transfers from the General Fund.

Meyer noted General Liability (13) is set up between five different items based on different types of liability. He said the revenue that comes into the fund is from Sheriff Pursuit and Sheriff At Fault which are funded through the County Sheriff's budget.

#### **4. BREAK**

The meeting was recessed at 10:39 a.m. and reconvened at 10:49 a.m.

#### **5. DRIVEWAY PERMIT FOR 2520 WEST WITTSTRUCK ROAD** - Kerra Grantski and Lucas Siel, 2520 West Wittstruck Road; Ken Schroeder, County Surveyor; Pam Dingman, County Engineer; David Derbin, Deputy County Attorney

Pam Dingman, County Engineer, said her department reviews plats within the County's jurisdiction and issues or denies driveway permits, often based on the plat. She added the County has long limited residential developments to one driveway connection to a major arterial as a large number of driveways make maintenance and improvement of roads difficult.

Ken Schroeder, County Surveyor, said when the plat was brought forward to subdivide the larger parcel into two lots there was an existing access to Lot 1. A common access easement was granted across Lot 1 for both of the residential lots. It was noted on the plat that Lots 1 and 2 could use the common access easement and access to the adjacent county road from Lot 2 would be relinquished. He said when Lot 2 was sold, an application was made for Lot 2 and access was granted at the common access easement and an address was assigned. Schroeder said the new owners of Lot 2 indicated they wanted access to Wittstruck Road and were informed of the restriction. The individual who farmed the outlot to the west requested a field drive to his farmground. A field drive is not restricted and his request was approved. He said the owners of Lot 2 requested access to the farm drive but that permit was denied since residential access at the common access easement had already been approved. Schroeder said the developer understood that both residential lots would use the one driveway and that is how it was shown through the plat reviews and the notes on the recorded plat. Dingman said there is a distinct difference between a farm access and a residential access and should further development be platted around this lot, it is possible the farm access may be removed.

Brinkman asked whether the owners had filed an appeal. Kerra Grantski, 2520 West Wittstruck Road (Lot 2), appeared and indicated the County Engineer had denied their request to upgrade the field access to a residential access as well as a residential entrance on Lot 2. Dingman clarified that she did not deny residential access to Lot 2, rather the binding document for the platted ground relinquishes direct access to the road for Lot 2. Eagan added the County Board is the ultimate supervisor of county roads and makes the final decision. He said it is complicated because there is an approved plat and any decision may involve amending an existing plat.

Avery inquired about the consequences of granting the appeal. Dingman reiterated that the plat, which is a filed, legal document, relinquishes access to the road and said she stands by the decision of County Engineering. She said County Engineering reviews at least a hundred plats each year and following the standard rules, recommends one residential access per plat.

Avery asked David Derbin, Deputy County Attorney, whether he has any information regarding the appeal. Derbin responded that he has no information on the substance of the appeal but can assist with the procedural aspects of granting the access. He said there are two issues: 1) Direct access, which has already been relinquished; and 2) A second field drive access which would require a permanent access easement between the two property owners.

Grantski and Lucas Siel, 2520 West Wittstruck Road (Lot 2), presented information on how they acquired the property (Exhibit C). Grantski said they knew there was an easement on the land when they purchased the lot but Ken Brandt, the seller, felt he could get around the easement. Siel said Brandt indicated he would provide access from his land and they could use that as their driveway. He said they drew up an easement to share the driveway. Grantski said after their builder purchased the land they discovered that it was a farm access only. Grantski said they had a contract in place with their builder to purchase the lot after the house was complete and closed on February 3<sup>rd</sup>. Amundson asked whether they went through a title search. Grantski said they did. Amundson asked whether it showed it was field access only. Grantski said no. Siel added the seller told them the permit was accepted. He felt the seller didn't know the difference.

**NOTE:** See Exhibit C for a statement from Brandt.

Avery asked why they don't use the easement that goes across Lot 1 to Lot 2. Grantski explained there is a pond and said the overflow washes out their driveway. She said the driveway interrupts the natural flow and water floods Lot 2 as well. Schorr suggested they put a culvert in. Grantski explained Michael Hevener, the owner of Lot 1, has horses grazing in that area. There is also a row of trees and tall weeds. She said the section of Wittstruck Road between 14<sup>th</sup> and 29<sup>th</sup> Street is a mile long and half of it is dirt (the other half of the road is gravel). Grantski said the road has less traffic than many roads in Lancaster County and is impassible when there is heavy rain.



Amundson inquired about the legal distance between driveways. Schroeder said culverts must be at least 24 feet apart. Grantski said the middle of the driveway they are proposing would be 35 feet from the east side of Lot 2. She said using Hevener's driveway creates safety issues as the connection is a blind corner. Hevener appeared and agreed it is a sharp corner and said it would be difficult for emergency vehicles to navigate. Wiltgen asked the average daily traffic (ADT) count. Schroeder said it is 42. Dingman said that doesn't mean the ADT will always remain at that level.

Wiltgen then asked when the second lot was platted. Schroeder said the two lots were created at the same time when the land was subdivided. Dingman said the plat was filed on June 4, 2012. Wiltgen said it looks like a farmstead and an additional lot were platted and is not a typical subdivision. Siel said Brandt has no plans to develop the outlot.

Avery asked Grantski and Siel whether they had considered altering their pond to prevent it from overflowing. Grantski said they can't because it is spring fed. Siel said the ground slopes downwards towards Wittstruck Road and said it would be costly to try to build a dam.

In response to a question from Schorr, Schroeder said Lot 3 already exists and is a buildable lot. Outlot A must remain an outlot in order to meet density requirements. Schorr asked where Lot 3's access point would be. Dingman explained a developer brings forward their layout and County Engineering reviews it for conformance but does not suggest to the developer how they should layout their lots. Hevener added that the plat that Brandt presented to him when he purchased his property did not show the easement across his field.

Wiltgen asked Dingman what harm there would be in granting the access. Dingman said it sets a precedent. She said it is clear that this was never intended to be a farm access, rather it was an access point taken out to be a residential access. **NOTE:** The residential access on the common access easement was taken out on February 23, 2016 and the field access was taken out by the developer on March 10, 2016. Dingman reiterated that the residential access was relinquished in the plat, which is the controlling document, and said that is the standard procedure for residential development. Wiltgen said he does not believe the land should have been platted this way. Brinkman suggested it would have been better to have sought re-platting to address the issue before Grantski and Siel built their house. Grantski pointed out they could potentially lose the easement to go onto their land if it is replatted. Dingman said their land could not be replatted unless they agreed to it.

**MOTION:** Avery moved and Wiltgen seconded to grant access for a driveway to Lot 2, as requested.

Derbin said the Board could direct replatting. Dingman said that would need to be done by a private engineer and surveyor and would involve all of the owners. Derbin clarified

that the County would not require a relinquishment of their access during the replatting. He said there should also be clear direction from the Board that it will approve the access points even though they would strictly violate County Resolution No. 3708, from 1982. Dingman added there would be a vacation of an easement, a new easement, and modification of the language contained within the plat documents.

Wiltgen clarified that the motion would direct the County Engineer, Lincoln-Lancaster County Planning Department, and County Attorney's Office to approve an access for Lot 2 if the property owners replat their property.

Avery said he would accept that as a friendly amendment.

**ROLL CALL:** Schorr, Avery, Amundson and Wiltgen voted yes. Brinkman voted no. Motion carried 4-1.

**6. EXTENSION OF SOUTHWEST 62<sup>ND</sup> STREET IN KICKING BIRD SUBDIVISION** – Pam Dingman, County Engineer; Ken Schroeder, County Surveyor; David Derbin, Deputy County Attorney

Schroeder explained that Gale Williams approached the County Engineer's Office regarding creating a frontage road on the end of Southwest 62<sup>nd</sup> Street. He said the property owner would be willing to pay for the cost of construction and will deed the County approximately eighty feet of road right-of-way. Schroeder stated Williams will present the plans to the County Engineer's Office for review.

Dingman said the agreement and deeds will be presented at the Tuesday, May 30, 2017 Board of Commissioners meeting.

**7. DENTON SPUR 55 AND RAYMOND ROAD DETOUR PROJECTS** – Pam Dingman, County Engineer

Dingman stated the correct road involved is Denton Road, not Raymond Road. She presented an example of the detour route agreement with Nebraska Department of Roads (NDOR) (Exhibit D). She said the detour is for Denton Spur 55 improvements. The detour route involves a section of Denton Road which is within the County's jurisdiction. Wiltgen inquired if there were any current structural closures in the detour. Dingman said repairs will be completed on Bridge N-138 before the detour is needed.

**8. ACTION ITEMS**

There were no action items.

## 9. ADMINISTRATIVE OFFICER REPORT

### A. Priorities for Deputy Chief Administrative Officer

Ann Ames, Deputy Chief Administrative Officer, stated she had researched various on-line Health Insurance Portability and Accountability Act (HIPAA) training modules, one or two day courses with and without certification.

Amundson said she feels certification is important and Ames should be kept current on any new information. She would recommend completing the two day course with certification.

**MOTION:** Amundson moved and Avery seconded to authorize Ann Ames to undergo the two day on line course and receive certification for the training.

Schorr inquired if the Health Department could provide training. Eagan stated a contract and fee would be required.

**ROLL CALL:** Avery, Brinkman, Amundson and Wiltgen voted yes. Schorr voted no. Motion carried 4-1.

Ames said she would like to begin working on an overall communication plan with comprehensive branding. She stated she is also working on a social media policy. Ames said she would like to see a website update and some type of an annual report to better communicate with the public what their tax money is going towards.

Wiltgen asked if Ames would be willing to be the Title 6 contact person. Ames said she would be willing to do that but would require training. Eagan stated he was also approached regarding being the Title 6 contact person. He said he feels that it would require a combined effort with Ames due to the reporting that is necessary as well as the grants process component.

It was discussed about the possibility of working with the City of Lincoln Compliance Officer.

Schorr stated she voted against Ames participating in HIPAA training because she felt it was requiring too much of her so soon. She suggested that while investigating how the City handles Title 6 Ames could inquire how they deal with HIPAA training and possibly share information.

### B. Legislative Tri-County Breakfast (Monday, January 8, 2018)

Informational only.

C. June Management Team Meeting

The June 8, 2017 Management Team meeting has been cancelled.

**10. DISCUSSION OF OTHER MEETINGS ATTENDED**

There were no meeting reports.

**11. DISCUSSION OF BOARD MEMBER MEETINGS**

A. Human Services Joint Budget Committee (JBC) - Schorr/Brinkman

Sara Hoyle, Human Services Director, said the Joint Budget Committee (JBC) approved the Juvenile Justice Prevention Fund recommendations. She noted there is a limited amount of funding and great needs in the community. Hoyle said this is due to the state and federal funding cuts due to the transition from managed health care.

Schorr stated the County has remained consistent in funding the JBC and discussion may need to take place during the budget process regarding increasing the amount. Schorr said as this is one year funding it provides the opportunity for the Board to discuss priorities.

Schorr said the preliminary allocations have been determined utilizing the same funding as last year with the understanding there will be discussion at the JBC hearing to increase that number.

**NOTE:** Budget discussion and review of the JBC funding recommendations will take place at the June 8, 2017 staff meeting.

Brinkman noted the County does have contingency funds that could be allocated this year.

B. Emergency Medical Services Oversight Authority (EMSOA) – Brinkman

Brinkman stated management meetings are underway. She said they are looking at survey tools to see what is needed by each of the rural fire districts. They are looking at establishing goals with Lincoln Fire Department next year in terms of education. She noted the Medical Director's report discussed how cardiac arrest survival rates increase with a response team present and bystander cardiopulmonary resuscitation (CPR).

C. Lincoln Partnership for Economic Development (LPED) –  
Brinkman/Amundson/Avery

Amundson said reports were given in regards to economic performance, innovation and quality of life in Lincoln.

Schorr provided a report regarding the half cent sales tax that will be used for fire stations, radios and radio systems. Designs have been submitted for the new fire stations. She said improvements will be made to towers and equipment. Construction of the new 911 Center began in April and hopefully will be completed in September. Schorr stated the new radio system will go live in January and the Lancaster County Sheriff's Office will be the first to do so.

**12. SCHEDULE OF BOARD MEMBER MEETINGS**

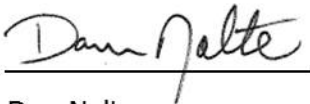
Informational only.

**13. EMERGENCY ITEMS**

There were no emergency items.

**14. ADJOURNMENT**

**MOTION:** Schorr moved and Brinkman seconded to adjourn the meeting at 12:56 p.m. Schorr, Brinkman, Amundson, Avery and Wiltgen voted yes. Motion carried 5-0.



Dan Nolte  
Lancaster County Clerk



**KISSEL / E&S**  
ASSOCIATES

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**LEGISLATIVE MEMORANDUM**

TO: Lancaster County Board of Commissioners

FROM: Joseph D. Kohout  
Jonathan G. Bradford  
Gordon E. Kissel

DATE: May 25, 2017

RE: Final Weekly Update

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Please accept this as your final weekly report for the 2017 Legislative Session. The final total of bills passed was 170-plus bills. Of those 170-plus bills, LB508 by Senator Hilgers, which changed the population threshold for the county civil service system, was passed and signed by the Governor. LB333 by Senator Riepe was amended so as to not negatively impact Lancaster County and was signed by the Governor. LB145 was amended into LB259 and was signed by the Governor. A comprehensive tax package did not advance to the Governor's desk.

The Legislature did address human sex trafficking, but laid over legislation dealing with guns until 2018. The State Departments of Roads and Aeronautics will merge to form the Nebraska Department of Transportation. The state will not join the call for a Convention of the States to propose amendments to the U.S. Constitution. Many school districts will get less state aid because of budget-cutting changes made in the school aid formula. The Legislature was able to work effectively many things considered, after 30-day debate on the rules. All of this after many were calling – in early March – for the Legislature to be considered a complete loss.

It is too early to know yet whether or not the Legislature will be summoned back in Special Session. Both the May and June tax receipts for the state will give better direction on this point.

The positioning for 2018 has already started with Senator Steve Erdman holding a press conference upon adjournment Tuesday to discuss his intentions to address the states tax issues via a constitutional amendment in the 2018 session that would – as we understand it – limit the collection of Property Taxes by political subdivisions.

## INTERIM STUDIES

We are attaching with this report those interim studies which we have identified that may be of interest in the 2017 interim. I would note some key ones:

LR163 (Smith) Interim study to examine the structure and administration of, and compliance with, real and personal property taxes

LR188 (Howard) Interim study to review policies and procedures relating to sustainability, organization, and best practices for data collection by the Division of Public Health relating to public health, epidemiology, and syndromic surveillance

LR196 (Ebke) Interim study to track the progress of the Dept. of Correctional Services and to ensure the intentions set forth by the Legislature are being complied with and carried out

LR198 (Pansing Brooks) Interim study to examine the impact of incarceration on children in Nebraska

LR206 (Wayne) Interim study to examine the potential for counties to have additional authority to pass ordinances within county boundaries

LR219 (Hansen) Interim study to examine the effectiveness of section 29-901, which relates to the imposition of bail, and section 29-2206, which relates to the imposition of fines, fees, and court costs

LR221 (Hansen) Interim study to examine possible reforms to Nebraska's sentencing laws to accommodate an option of deferred judgment probation

## LANCASTER COUNTY LEGISLATIVE PRIORITIES

*LB508 (Hilgers) Change the population threshold for the county civil service system.* The bill was introduced on January 18<sup>th</sup>, and was referred to the Government, Military and Veterans Affairs Committee. This bill was heard on February 22, 2017 and on Monday, April 3, 2017, the Committee conducted an executive session on the bill and advanced it with the proposed amendment attached. The bill was placed on Consent Calendar and passed in said grouping on all three levels of debate. The bill was signed into law by the Governor on May 12<sup>th</sup>, 2017.

**POSITION: SUPPORT**

*LB567 (Bolz) Change funding for county public assistance offices.* The bill was introduced on January 18<sup>th</sup>, and was referred to the Government, Military and Veterans Affairs Committee. The bill was heard on February 22, 2017 and still remains in committee.

**POSITION: SUPPORT**

*LB441 (Morfeld) Change eligibility provisions under the Medical Assistance Act.* This years' Medicaid Expansion Bill. LB441 makes those persons described under section 1902 (a)(10)(A)(i)(VIII) of the federal Social Security Act eligible under the Medical Assistance Act. The department must submit a state plan amendment to cover newly eligible individuals, and such amendment must request as the alternative benefit plan a benchmark benefit package as defined in section 1937(b)(1) 18 (D) of the federal Social Security Act, as amended, 42 U.S.C. 1396u-7(b)(1)(D), as such act and section existed on January 1, 2017, for Secretary-approved coverage that shall include full Medicaid benefit coverage, including mandatory and optional coverage, under section 68-911 22 in the amount, duration, and scope in effect on

January 1, 2017, and any additional wraparound benefits required under federal law. The hearing was held on March 8, 2017 and remains held in Committee.

Senator Morfeld has filed a motion to pull the bill from the Health and Human Services Committee, but the body did not vote on the motion.

**POSITION: SUPPORT**

*LB357 (Bolz) Increase original certificate of title fees for vehicles transferred to Nebraska from another state and provide for voluntary contributions to brain injury programs.* LB357 places a fee of twenty-five dollars for each original certificate of title issued to a person by a county for a vehicle or trailer being titled in Nebraska from another state after the first original title is issued. LB357 also allows for voluntary contributions of \$2 to be made as a donation to programs for persons suffering from brain injury. This bill was heard on February 28, 2017 and is still in committee. At the hearing, the only opposition to the bill was raised by the Department of Motor Vehicles.

**POSITION: SUPPORT**

*LB47 (Watermeier) Change provisions relating to the payment of fees and costs associated with grand juries and the deaths of incarcerated persons.* The hearing on this bill was held before the Judiciary Committee. Mr. Eagan testified on behalf of Lancaster County. The bill remains held in Committee.

**POSITION: SUPPORT**

*LB327 (Speaker Scheer at the Request of the Governor) Appropriate funds for the expenses of Nebraska State Government for the biennium ending June 30, 2019.* This is the Governor's Appropriation bill. We have become aware, as per a communication from Brent Meyer that there is a provision to reduce the amount of funding provided by LB1038 in last session from \$975,000 to \$487,500 for the Nebraska Department of Agriculture to get to their 8% reduction. The bill has been referred to the Appropriations committee. This bill was heard on February 21, 2017 and remains in committee.

On Monday, March 13, 2017 and Tuesday, March 14, 2017, hearings were held on Health and Human Services. Judy Halstead testified in support of the Appropriations Committee's recommended budget adjustments by restoring several cuts to Health and Human Services agencies – cuts that could Lancaster County as much as \$100,000 in total funds (through minor cuts in multiple budget lines). The committee received her comments well.

LB327 was advanced as part of the mainline budget process on Tuesday, April 11, 2017. The bill was presented to the Governor on May 9<sup>th</sup>, 2017, and was line item vetoed in the amount of roughly \$56 million. While motions were filed to override certain portions of the vetoes, none were successful.

**POSITION: CONCERNS EXPRESSED BY JUDY HALSTEAD AND BRENT MEYER ABOUT REDUCTIONS IN SPECIFIC AREAS**

*LB81 (Blood) Change the application fee for handgun certificates.* LB81 changes the fee charged for each application for a handgun certification from five dollars to twenty-five dollars. The bill was advanced to General File in its Green Form.

**POSITION: SUPPORT**

*LB127 (Groene) Change notice requirements under Open Meetings Act.* LB 127 provides for a change in the open meetings law, in Sec. 84-1411 of the statute. It strikes language for political subdivisions to publicize meeting designated by each political body and requires them to publish such notice in a newspaper of general circulation in each county within the public entities jurisdiction as well as any other



method designated by the public body. The newspaper notice does not have to be published in every county but must have a general circulation within the county. This proposal is also not intended to apply to state agencies but just political subdivisions. A significant amendment was offered at the time of the hearing that would re-write the bill. The bill has been advanced to General File with committee amendment AM646.

We discussed the bill with Committee Counsel Andrew LaGroene. The intent of Senator Groene was apparently to adopt an amendment that would alleviate concerns. It does not do so. The amended bill did not have the support of Chairman Murante nor of Senator Carol Blood. Senator Craighead was present, not voting. Those voting in support included Senators Brewer, Briese, Hilgers, Lowe and Wayne. The bill is not prioritized.

**POSITION: OPPOSE**

*LB152 (Craighead) Change and eliminate provisions relating to the fees for recording and filing certain documents.* LB152 eliminates sunset dates of January 1, 2018 for provisions relating to the fees for recording and filing certain documents. LB152 also eliminates the six-dollar uniform fee, payable to the Secretary of State, for presenting and filing and indexing and filing and indexing each notice of lien or certification of notice affecting lien on a property. The bill was advanced to General File and granted Speaker Priority status. The bill was approved by the Governor on May 9<sup>th</sup>, 2017.

**POSITION: SUPPORT**

*LB333 (Riepe at the Request of the Governor) Eliminate an independent review of denial of aid to the disabled.* LB333 requires that a disability persist for more than a year before a person can be considered disabled. LB333 also eliminates the requirement that the Department of Health and Human Services conduct an independent medical review when Social Security denies benefits to an individual on the basis of the duration of the individual's disability. The hearing on this measure was on January 25, 2017. A letter was sent to Senator Riepe and members of the Health and Human Services Committee under Chairman Wiltgen's signature.

Since the hearing, there has been an enormous amount of conversation on this issue including a conference call last week with representatives of NACO, Douglas and Lancaster County. We were advised that Lauren Kintner would be reaching out directly to Chairman Wiltgen and Chairwoman Borgeson in Douglas County. To date, we are not aware that those conversations have occurred.

Too, during his testimony before the Appropriations Committee, Director Weinberg of the Department of Health and Human Services – Division of Children and Family Services encouraged the Appropriations Committee to support LB333. In response, Chairman Stinner indicated his reluctance to do so due to the fact that it appeared that to adopt LB333 would shift the burden to counties to care for that population. Too, Senator Kate Bolz expressed skepticism about his testimony indicating that she had a tough time seeing how this population would not fall back on General Assistance of the County. The director had a tough time explaining how it would not. This bill is a committee priority.

On Wednesday, April 5, 2017, Sean Kelley advised Joe Kohout that the Governor's office told him that Lauren Kintner would be reaching out to Mary Ann Borgeson in the very near future. Lauren Kintner did reach out to Commissioner Borgeson early this week but has not reached out to Chairman Wiltgen. Furthermore, on Wednesday, April 12, 2017 we became aware that the Health and Human Services Committee was going to conduct an executive session of the committee to advance LB333. Between Joe, Larry and Sean Kelley, we made it clear that there was no agreement on the language and as such, the bill should not be advanced. The Executive Session was cancelled. However, the committee did

conduct an Executive Session on Thursday, April 13, 2017 and advanced it on a 6-2 vote.

On Wednesday, April 19, 2017, a meeting was held in Senator Merv Riepe's office to discuss the underlying opposition to LB 333 in an effort to address those concerns. Those in attendance included Kerry Eagan, Commissioner Wiltgen (via telephone), Joe Kohout, Commissioner Borgeson, Sean Kelley, Senator Riepe, Kristin Stiffler (Counsel to the HHS Committee), Melissa Hilty (Governor's PRO), Gerry Oligmueller (Budget Office) and Larry Dix (NACO). An amendment was adopted, offered by Senator Krist, to strike the original provisions from LB333 on Monday. Said amendment was adopted and the bill advanced to Select File. On Tuesday, Senator Riepe offered an amendment to clear up some concerns about the remaining portions of LB 333. The bill has been signed by the Governor.

**POSITION: OPPOSE**

*LB468 (Krist) Change revenue and taxation provisions.* LB468 eliminates the Personal Property Tax Relief Act exemption and compensating exemption factor for tax years 2018 and 2019. LB468 also eliminates an exemption from taxation for the first ten thousand dollars of valuation on tangible property for tax years 2018 and 2019. LB468 also eliminates the reduction in the value of tangible personal property owned by each railroad, care line company, public service entity, and air carrier for tax years 2018 and 2019. LB468 ends reimbursement to taxing subdivisions for tax revenue that will be lost because of personal property tax exemptions for tax years 2018 and 2019.

LB468 allows resident individuals from electing to subtract from federal gross adjusted income the extraordinary dividends paid on and the capital gain from sale or exchange of capital stock for taxable years beginning before January 1, 2018 and taxable years beginning on or after January 1, 2020. LB468 ends the credit to the Game and Parks Commission Capital Maintenance Fund on July 1, 2017, and ends the credit to the Highway Trust Fund on or after July 1, 2017 and before July 1, 2019. Since an emergency exists, this act takes effect when passed and approved into law.

The hearing on this measure was February 22, 2017. The bill remains held in committee.

**POSITION: OPPOSE**

*LB367 (Krist) Change provisions relating to payment of costs in juvenile matters.* LB367 requires the county to pay the costs associated with transportation when a peace officer takes a juvenile into temporary custody and a probation officer determines the need for detention or an alternative placement. LB367 requires the Office of Probation Administration to pay for costs that are related to treatment or service provisions. The bill remains held in committee.

**POSITION: OPPOSE**

*LB510 (Ebke) Provide a restriction on installment contracts for the purchase of real or personal property by political subdivision.* LB510 prohibits political subdivisions from entering into installment contracts for the purchase of real or personal property that require a total outstanding obligation exceeding twenty-five million dollars. The hearing on this bill occurred on March 9, 2017 and the bill saw a tremendous amount of opposition. The bill was not prioritized and will not likely move.

**POSITION: OPPOSE**

*LB434 (Ebke) Change videoconferencing provisions relating to certain juvenile hearings.* LB434 requires any telephone or videoconference juvenile evidentiary hearings to ensure the preservation of due process or rights of all parties. The bill has been referred to the Judiciary committee and had its public hearing on March 9, 2017.

Of note, during the hearing, Public Defender Joe Nigro appeared in the opposition position and during his testimony expressed concern that this would be viewed as a way for the county to cut costs and specifically referenced the contract negotiations between Lancaster County and the State on the housing of Juveniles. No committee members expressed any concern.

**POSITION: NEUTRAL**

*LB658 (Wayne) Provide for expert witness appointment as prescribed in certain juvenile proceedings.* LB658 grants the right to one appointed expert witness during any adjudication or disposition proceeding to the parent, guardian, or custodian of the juvenile who is the subject of the proceeding. If the parent, guardian, or custodian is indigent, the reasonable fees and expenses of such expert witness will be paid by the county. The bill has been referred to the Judiciary committee and had its hearing on March 9, 2017.

Of note, during the opposition on this bill, Senator Chambers expressed concern to NACO about their opposition to the bill. Furthermore, Senator Chambers and Senator Krist have asked Senator Ebke to send a letter to NACO asking for them to begin disclosing how certain counties vote on opposition or support of bills. When the letters for Lancaster County and the County Attorneys Association were read into the record, Senator Chambers asked for clarification on who opposed the bill. We have not heard anything since.

**POSITION: OPPOSE**

*LB373 (Schumacher) Change and eliminate revenue and taxation provisions.* In a previous report, we provided a separate document that included highlights of those portions important to Lancaster County. Bill remains in committee. It has been mentioned that the bill as written has a long shot of coming out of committee. The county's letter of opposition to the repeal of Build Nebraska Act was read into the record.

**POSITION: OPPOSE**

*LB461 (Smith) Correct references to a federal act in a revenue statute.* This bill has been amended to include the joint efforts of the Revenue Committee and the Governor to develop both income and property tax relief. We previously attached a chart from NACO that demonstrates the effect that the bill may have – the portions dealing with property taxes – on counties.

We were asked by Commissioner Brinkman at a previous meeting to prepare a list of who is fighting LB 461. Here is the most up-to-date list that we can provide:

**BNSF**

**Nebraska Farm Bureau**  
**Reform for Nebraska's Future**  
**Nebraska Corn Growers Association**  
**Women Involved in Farm Economics**  
**Nebraska Pork Producers**  
**Nebraska Rural Community Schools Association**  
**Independent Cattlemen of Nebraska**  
**Nebraska Grange**

**OpenSky**

**Nebraska State Education Association**  
**Nebraska Council of School Administrators**  
**Nebraska Farmers Union**  
**Nebraska Soybean Association**  
**Nebraska Wheat Growers**  
**Nebraska Fair**  
**Gage County Property Tax Group**  
**NACO**

**Greater Nebraska Schools Association:** *Bellevue, Bennington, Blair, Columbus, Elkhorn, Fremont, Gering, Grand Island, Gretna, Hastings, Kearney, Lexington, Lincoln, McCook, Millard, Norfolk, Norris, North Platte, Omaha, Papillion-La Vista, Plattsmouth, Ralston, Schuyler, South Sioux City, Westside Community Public Schools.*

**Schools Taking Action for Nebraska Children's Education:** *Beatrice, Blair, Chadron, Columbus, Crete, Fairbury, Gothenburg, Holdrege, Nebraska City, Norris, Seward, South Sioux City, Wahoo, Waverly, York Public Schools.*

The bill was debated on Friday, April 20, 2017. The bill faced steep opposition. After failing on a cloture motion, the bill did not come back upon the Legislative agenda.

### **LANCASTER COUNTY ELECTED OFFICIALS/DEPARTMENT HEADS PRIORITIES**

*LB310 (Friesen) Change provisions relating to bridge carrying capacities and weight limits.* This bill has been referred to the Transportation and Telecommunications Committee for public hearing. Engineer Dingman asked a question of us regarding the bills origin. In checking with Senator Friesen's office, the bill was brought to them by NACO through the Roads Superintendents subgroup.

There was some correspondence between Larry Dix, Joe Kohout, Pam Dingman and others to get her in touch with the folks who had prepared LB310. The hearing on this measure was held on Monday, February 6, 2017. This bill was placed on General File on March 1, 2017.

*LB51 (Schumacher) Change provisions relating to sales of real property for nonpayment of taxes.* This bill was heard by the Revenue Committee. The Lancaster County Treasurers Office testified in a neutral capacity after a meeting the morning of the hearing between representatives of NACO, Larry Dix and Senator Schumacher. Senator Schumacher offered an amendment at the hearing that would alleviate the concerns raised by the Treasurer's Office. The bill was placed on General File with committee amendment AM267.

*LB68 (Hilgers) Prohibit certain regulation of firearms, ammunition, and firearm accessories by counties, cities, and villages as prescribed.* We were asked to work with Eric Gerard, Lincoln City Lobbyist, on this. During deliberations on this measure on Thursday, February 9, 2017 by the Board, they agreed to follow Sheriff Wagner's lead. During testimony on February 10, 2017, Sheriff Wagner, offered testimony in support with concerns. Senator Hilgers designated this as his priority bill on February 28<sup>th</sup>. Bill has been placed on General File with committee amendment AM630. We attached the amendment for your review in a previous report.

On Tuesday, April 4, 2017, the bill came up for debate. The bill was subject to a filibuster by several members of the Legislature including several members of the Lancaster County delegation. Sheriff Wagner was available in the rotunda and via cell phone to members of the delegation. He did register concerns with members of the delegation on the potential that it could affect his ability to stop individuals from carrying firearms into county buildings.

Furthermore, on Wednesday, April 12, 2017, the bill came up for further debate. After approximately 2 hours, cloture was invoked on the bill and it has advanced to Select File. Senator Chambers has vowed that he will not let any amendments be adopted to the bill. We did communicate with Sheriff Wagner prior to the bill coming up.

The bill was placed on the agenda for Monday of this past week but due to an amendment not being ready, the bill was passed over and did not come back up this session. It remains a high priority for the NRA for next session.

**POSITION: OPPOSE**

*LB544 (Watermeier) Provide for elimination of the office of clerk of the district court as prescribed.* LB544 allows, in any county that does not have an elected clerk of the district court, for the duties of the clerk of the district court to be performed pursuant to an agreement between the State Court Administrator and the county board. LB544 also allows for a county to vote to eliminate the office of the clerk of the district court when a vacancy occurs. The bill was referred to the Judiciary Committee. This bill was heard on February 15, 2017 and remains in committee.

*LB163 (Vargas) Require additional polling places prior to elections in certain counties* LB163 requires election commissioners in counties with populations of more than one hundred thousand to establish at least three voting locations. The hearing was on March 16, 2017. The bill remains held in committee.

*LB625 (Larson) Change the Property Assessed Clean Energy Act.* LB625 allows a municipality to create a clean energy assessment district anywhere within the municipality, except a district may not be created that includes any area within the corporate boundaries of any city or village located in whole or in part within such county. The hearing on this measure was on Tuesday, February 14, 2017 and Candace Meredith testified in a neutral capacity on an amendment suggested by NACO. We expect the bill to move with that amendment attached. Bill was placed on General File with committee amendment (AM 224). LB 625 has been designated a committee priority. The bill was signed into law by the Governor on April 27<sup>th</sup>, 2017.

*LB145 (Hansen) Provide for a hearing to determine financial ability to pay fines and costs and traffic citations and provide for community service.* LB145 allows for a sentencing judge or magistrate to conduct a post-hearing sentence to determine if the offender has the financial ability to pay the fines or costs associated with their infraction. If the magistrate or judge determines that the offender is able to pay the fine, but the offender refuses, the magistrate or judge may sentence the offender to imprisonment or community service. If the offender is found unable to pay the fine, the magistrate or judge may impose the sentence without costs and fines, discharge the costs and fines from the offender, or order community service as part of the sentence. If the offender is found able to pay the costs or fines in installments, the magistrate or judge may enter an order specifying the terms of a payment arrangement.

LB145 also allows for individuals who are arrested for failure to pay costs and fines to be provided a hearing in which their financial ability to pay those fines and costs can be assessed. A person who believes themselves to be financially unable to pay court costs and fines may request a hearing after an order has been issued against them. Bill was heard Thursday, March 16, 2017 before the Judiciary Committee and remains in Committee.

On Tuesday, April 19, 2017, the Judiciary Committee met and advanced LB259 with an amendment that contained the amended version of LB145. We forwarded a copy of that amendment as part of last week's report. Mr. Egan did review that language and provide the same to David Derbin who indicated that there may be some additional costs tied to the original version of LB 259. We discussed those concerns with Senator Hansen following this meeting last week and we are happy to report that those parts which raised concerns for Lancaster, Douglas Counties and for NACO were removed via an amendment offered by Senator Hansen. The bill was signed into law on May 12<sup>th</sup>, 2017.

*LB395 (Morfeld) Change provisions relating to conditions of and ability to post bail.* LB395 requires a court to consider all methods of bond and conditions of release to avoid pretrial incarceration. If an appearance bond is required, the court shall appoint counsel to indigent defendants. To determine if a defendant is indigent, the judge must consider the defendant's financial ability to pay a bond. The court



may also order a defendant to be supervised by an approved person or organization or a pretrial services program. Bill was heard Thursday, March 16, 2017 before the Judiciary Committee and remains in Committee. Commissioner Wiltgen was present to observe the committee's questions. It is being considered that concepts of this bill, as well as LB 145, will be amended into other legislation.

Following receipt of Commissioner Wiltgen's letter, there was a request made by Senator Hansen's office to see what changes we would like to see in LB145 and LB395 to make them more amenable to the county. They appear set on increasing the "sit out rate" from \$90 to \$150 per day. Additionally, they are willing to delay implementation of the remaining provisions of LB145 by one year. In so far as LB395 is concerned, they are willing to consider striking everything from the bill and leaving only section 4 in place. In addition, they are willing to consider changing the evidentiary hearing to telephone conference similar to process for appointment of a public defender. The bill has been Indefinitely Postponed.

*LB385 (Lindstrom) Change provisions relating to the burden of proof and who may appeal under the Tax Equalization and Review Commission Act.* LB385 allows those with a relationship to the taxpayer to execute an appeal on behalf of the taxpayer. The specific relationships are: A person or entity with a contract executed by the taxpayer, a person with the power of attorney, a person with a durable power of attorney, and a person who is a trustee of an estate. LB385 requires the county board of equalization, in appeals regarding the assessed value of the property that has been increased by more than 5%, to prove by a preponderance of the evidence that the assessed value reflects the property's actual value. The hearing on this measure was on Wednesday, March 1, 2017.

#### **COMBINED LEGISLATION**

Portions of LB297 have been amended into LB225 via AM611. Portions of LB298 have been amended into LB225 via AM537. Portions of LB336 have been amended into LB225 via AM462

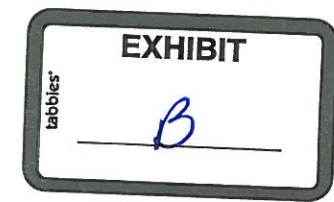
Portions of LB133 have been amended into LB317 via AM19.

Portions of LB49, LB228, LB238, LB288, LB387 & LB233 have been amended into LB217 via AM634.

Portions of LB188, LB178 & LB394 have been amended into LB289.

This concludes our report for this week and our last for the session.

Kissel E&S Associates  
105th Legislature, 1st Regular Session  
LC



Document	Senator	Position	Committee	Status	Description
LR11	Riepe		Health and Human Services	In Committee 05/15/2017	Interim study to assess the Nebraska medical assistance program and the options for health care reform for Nebraska
LR28	McDonnell		Judiciary	In Committee 05/15/2017	Interim study to research how the state and each of the counties handle, process, and test sexual assault evidence collection kits
LR60			Urban Affairs	In Committee 05/15/2017	Interim study to examine issues related to the use of tax-increment financing
LR81	Wayne		Urban Affairs	In Committee 05/15/2017	Interim study to examine the adoption and enforcement of state fire codes
LR92	Kolterman		Nebraska Retirement Systems	In Committee 05/15/2017	Interim study to examine the requirement that the Nebraska Retirement Systems Committee of the Legislature monitor underfunded defined benefit plans administered by political subdivisions
LR109	Larson		Urban Affairs	In Committee 05/15/2017	Interim study to examine the collection of annual assessments under the Property Assessed Clean Energy Act
LR114			Judiciary	In Committee 05/15/2017	Interim study to examine Nebraska's statutes relating to geriatric or compassionate release laws for elderly inmates
LR132	Murante		Government, Military and Veterans Affairs	In Committee 05/15/2017	Interim study to examine elections conducted by and on behalf of political subdivisions
LR138	Crawford		Urban Affairs	In Committee 05/15/2017	Interim study to examine the tools, mechanisms, and funding sources available to municipalities to provide for condemnation or demolition of vacant and abandoned buildings
LR139	Bolz		Appropriations	In Committee 05/15/2017	Interim study to analyze the best use of the state's child welfare resources in line with its goals
LR146	Murante		Government, Military and Veterans Affairs	In Committee 05/15/2017	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee
LR147	Crawford		Health and Human Services	In Committee 05/15/2017	Interim study to conduct a comprehensive review of the Nebraska State Immunization Information System and to examine opportunities to increase the rate of immunizations reported to the system across the state
LR158	Williams		Banking, Commerce and Insurance	In Committee 05/15/2017	Interim study to examine whether the unclaimed property laws of Nebraska should be updated
LR163	Smith		Revenue	In Committee 05/15/2017	Interim study to examine the structure and administration of, and compliance with, real and personal property taxes
LR164	Quick		Appropriations	In Committee 05/15/2017	Interim study to examine the need for restoration, development, and capital improvement of sites that attract tourists to and within Nebraska
LR172	Wishart		Judiciary	In Committee 05/15/2017	Interim study to review recruitment and retention efforts that are currently or could potentially be undertaken by the Dept. of Correctional Services
LR173	Wishart		Judiciary	In Committee 05/15/2017	Interim study to review the work detail and work release efforts at the community corrections centers
LR174	Friesen		Transportation and Telecommunications	In Committee 05/15/2017	Interim study to review the implementation of the 911 Service System Act
LR182	Murante		Government, Military and Veterans Affairs	In Committee 05/15/2017	Interim study to examine the extent of voter fraud in Nebraska

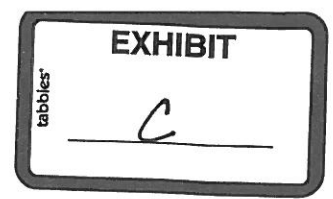
**Kissel E&S Associates**  
**105th Legislature, 1st Regular Session**  
**LC**

Document	Senator	Position	Committee	Status	Description
LR184	Walz		Banking, Commerce and Insurance	In Committee 05/15/2017	Interim study to examine whether the Real Property Appraiser Act should be amended
LR187	Howard		Health and Human Services	In Committee 05/15/2017	Interim study to determine the strengths and weaknesses of the five primary service areas of the Division of Children and Family Services of the Dept. of Health and Human Services
LR188	Howard		Health and Human Services	In Committee 05/15/2017	Interim study to review policies and procedures relating to sustainability, organization, and best practices for data collection by the Division of Public Health relating to public health, epidemiology, and syndromic surveillance
LR189	Morfeld		Health and Human Services	In Committee 05/15/2017	Interim study to examine ways in which Nebraska could increase access to health insurance, including medicaid
LR191	Ebke		Judiciary	In Committee 05/15/2017	Interim study to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws
LR194	Hilkemann		Health and Human Services	In Committee 05/15/2017	Interim study to examine the 407 process as it relates to scope of practice changes for health professions
LR195	Hilkemann		Revenue	In Committee 05/15/2017	Interim study to examine the system of valuing automobiles for calculation of the motor vehicle tax
LR196	Ebke		Judiciary	In Committee 05/15/2017	Interim study to track the progress of the Dept. of Correctional Services and to ensure the intentions set forth by the Legislature are being complied with and carried out
LR197	Pansing Brooks		Natural Resources	In Committee 05/15/2017	Interim study to examine issues surrounding the utilization of wood generated from the emerald ash borer infestation
LR198	Pansing Brooks		Judiciary	In Committee 05/15/2017	Interim study to examine the impact of incarceration on children in Nebraska
LR201	Linehan		Business and Labor	In Committee 05/15/2017	Interim study to review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to workers' compensation services in Nebraska
LR202	Kolterman		Nebraska Retirement Systems	In Committee 05/15/2017	Interim study to examine bona fide severance of employment compliance requirements under the Internal Revenue Code as related to maintaining section 401 (a) qualified defined benefit retirement plans
LR206	Wayne		Government, Military and Veterans Affairs	In Committee 05/15/2017	Interim study to examine the potential for counties to have additional authority to pass ordinances within county boundaries
LR208	McCollister		Judiciary	In Committee 05/15/2017	Interim study to examine the cost of telephone calls made by people housed in county jails in Nebraska
LR209	Stinner		Appropriations	In Committee 05/15/2017	Interim study to examine the volatility of Nebraska's revenue portfolio to determine a set of evidence-based savings targets for the Cash Reserve Fund
LR210	Stinner		Appropriations	In Committee 05/15/2017	Interim study to examine fiscal distress among local political subdivisions in Nebraska and how the Legislature could establish an early warning system to identify and respond to such fiscal distress
LR214	Wayne		Transportation and Telecommunications	In Committee 05/15/2017	Interim study to examine contracting and procurement by the Dept. of Roads
LR215	Hilgers		Transportation and Telecommunications	In Committee 05/15/2017	Interim study to examine the feasibility of a pilot project involving autonomous shuttles in a city of the primary class
LR216	Pansing Brooks		Judiciary	In Committee 05/15/2017	Interim study to examine the policies, practices, and laws that govern the safeguarding and sealing of juvenile records



**Kissel E&S Associates**  
**105th Legislature, 1st Regular Session**  
**LC**

<b>Document</b>	<b>Senator</b>	<b>Position</b>	<b>Committee</b>	<b>Status</b>	<b>Description</b>
<a href="#">LR217</a>	Riepe		Education	In Committee 05/15/2017	Interim study to examine the programs and majors offered by the University of Nebraska at the Lincoln, Omaha, and Kearney campuses
<a href="#">LR218</a>	Riepe		Education	In Committee 05/15/2017	Interim study to examine the feasibility of consolidating the University of Nebraska Medical Center and the University of Nebraska at Omaha to create a single University of Nebraska institution in Omaha
<a href="#">LR219</a>	Hansen		Judiciary	In Committee 05/15/2017	Interim study to examine the effectiveness of section 29-901, which relates to the imposition of bail, and section 29-2206, which relates to the imposition of fines, fees, and court costs
<a href="#">LR220</a>	Hansen		Judiciary	In Committee 05/15/2017	Interim study to investigate the purpose and benefits of creating conviction integrity units in Nebraska
<a href="#">LR221</a>	Hansen		Judiciary	In Committee 05/15/2017	Interim study to examine possible reforms to Nebraska's sentencing laws to accommodate an option of deferred judgment probation
<a href="#">LR223</a>	Blood		Government, Military and Veterans Affairs	In Committee 05/15/2017	Interim study to examine Nebraska statutes governing the use of personally identifiable information
<a href="#">LR224</a>	Blood		Revenue	In Committee 05/15/2017	Interim study to examine cross-county assessment and collection of ad valorem taxes
<a href="#">LR241</a>	Vargas		Health and Human Services	In Committee 05/15/2017	Interim study to examine the distribution and use of funds from the Federal Title X program



The below are statements and facts that I have prepared to help Lucas Siel and Kerra Grantski in their argument for a driveway permit at 2520 W Wittstruck Rd, Martell, NE.

I acknowledge that in 2012 I platted Brandt Addition, Lot 2 with the help of Allied Surveying and Mapping. It was suggested by Allied Surveying and Mapping that I put the common access easement in place at that time. It was not my intent to develop or further subdivide this land. I used the land to farm dryland corn and soybeans before selling to Lucas & Kerra. This common access provides no benefit to me. It seemed like this was the easiest route for the Surveying company at the time so I obliged. If I would have known I would be approached about selling the lot for a new home I would not have put it in place.

I acknowledge that when I agreed to sell them the land I put in a culvert and rocked a driveway that bordered their lot on the west side to be used as a shared access. An easement was drawn up for use of this driveway. Months later it was learned that the permit was field access only and could not be used as a driveway to their house.

If you accept their request for a driveway permit, I do not see it being a problem for myself or other farmers in the area. Wittstruck Road between SW 14<sup>th</sup> and SW 29<sup>th</sup> is not a thru road for people going to Lincoln. It is dirt for a half mile of the stretch and is impassable during our wettest months. Because of this there is very little traffic by their house.

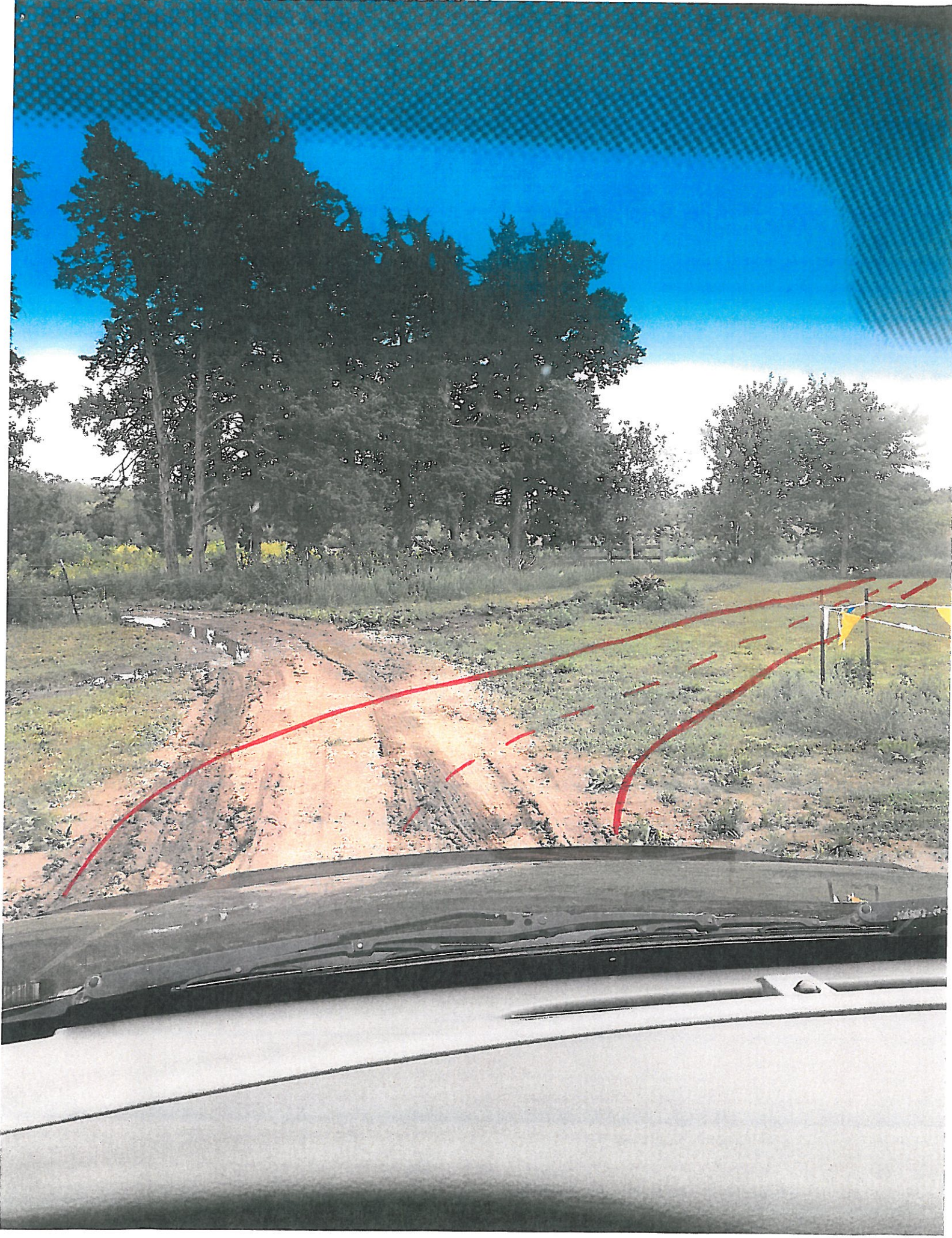
I urge the Lancaster County Commissioners and staff to approve their request for a driveway permit.

Sincerely,

A handwritten signature in black ink that reads "Ken Brandt".

Ken Brandt







5/19/17



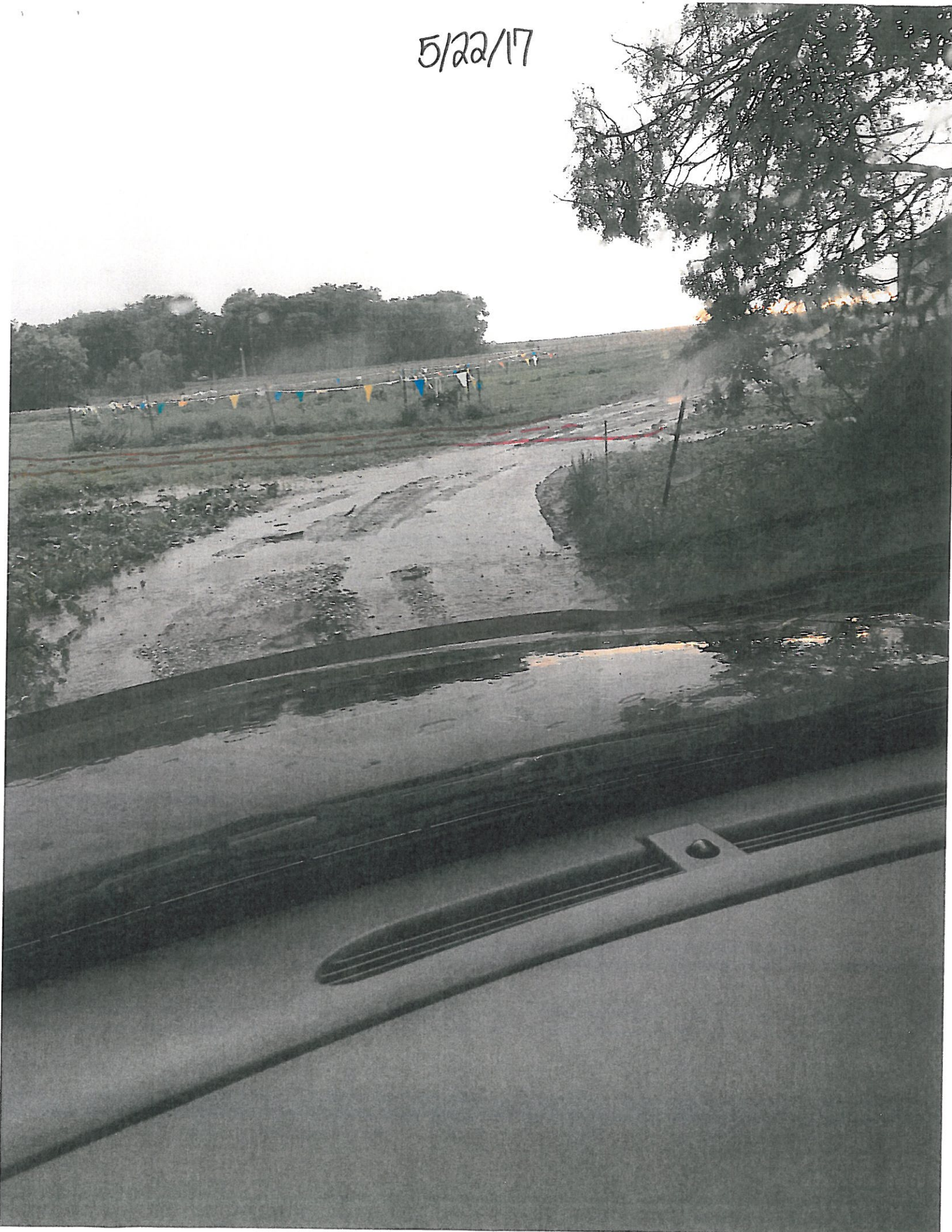


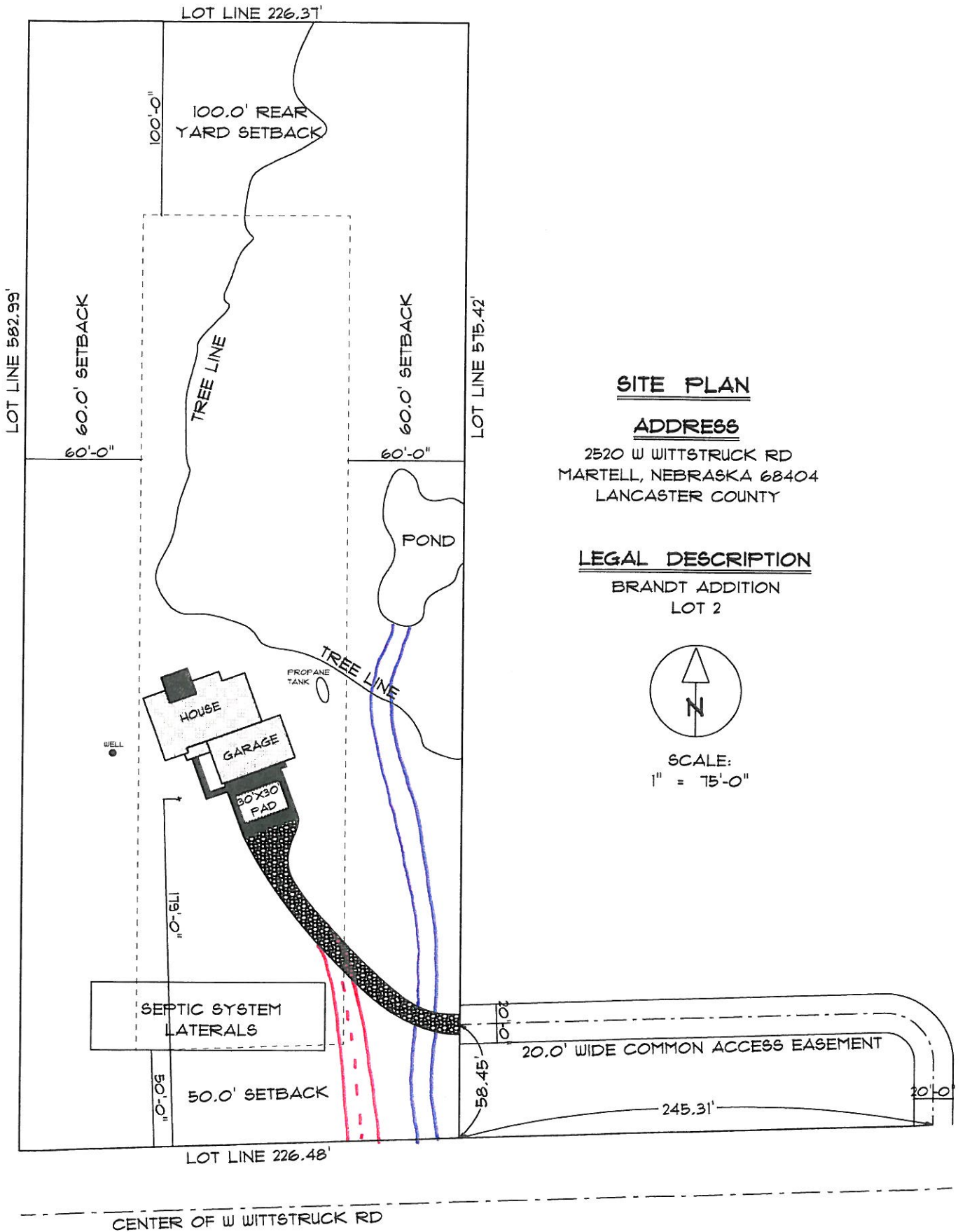
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5/22/17





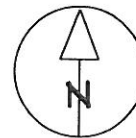
**SITE PLAN**

**ADDRESS**

2520 W WITTSTRUCK RD  
 MARTELL, NEBRASKA 68404  
 LANCASTER COUNTY

**LEGAL DESCRIPTION**

BRANDT ADDITION  
 LOT 2



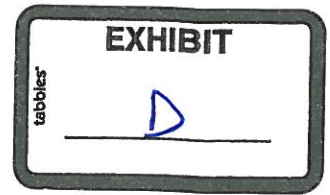
SCALE:  
 1" = 75'-0"



# NEBRASKA

Good Life. Great Journey.

## DEPARTMENT OF ROADS



May 10, 2017

Pamela Dingman, Highway Superintendent  
Lancaster County  
444 Cherry Creek Rd Building C  
Lincoln, NE 68528

RE: STP-S55A (105) CN 12967  
Denton Spur Project Detour  
Agreement with Lancaster County

Enclosed are two original agreements for the above referenced project. Please review these agreements and, if agreeable, sign both agreements and return them both to me at:

Nebraska Department of Roads  
302 Superior Street  
Lincoln, NE 68521-2481

The agreements will require a resolution of the County Board. The resolution should be marked as Exhibit "B" and one copy should be attached to each original. Please enter the date of the resolution on page 1 of each agreement.

Please refer to the following policy guides:

Federal-Aid Policy Guides 23 CFR 645A and 645B are available on the FHWA web site:

- <http://www.fhwa.dot.gov/legsregs/directives/fapg/cfr-645a.htm>
- <http://www.fhwa.dot.gov/legsregs/directives/fapg/cfr-645b.htm>

The following publications: The Policy of Accommodating Utilities and Disadvantaged Business Enterprise Program are available on the Nebraska Department of Roads web site.

- <http://www.nebraskatransportation.org/projdev/utilities.htm>
- A printed copy may be obtained from the Project Development Division Utilities Section (402) 479-4684.
- <http://www.nebraskatransportation.org/letting/dbeinfo.htm>
- A printed copy may be obtained from the Construction Division Disadvantaged Business Section (402) 479-4531.

When all appropriate NDOR signatures are obtained, Lancaster County will receive a signed copy of the agreement.

Thank you

Sincerely,

A handwritten signature in black ink that reads "Thomas W. Goodbarn".

Thomas W. Goodbarn  
District Engineer

Enclosures (as noted)

Kyle Schneeweis, P.E., Director

**Department of Roads**

District 1 Headquarters  
302 Superior Street  
Lincoln NE 68521-2481

[roads.nebraska.gov](http://roads.nebraska.gov)

OFFICE 402-471-0850 FAX 402-471-3401  
DOR.ContactUs@nebraska.gov



Resolutions should state the following:

- The nature of agreement with the Nebraska Department of Roads
- The approval of the board/council/etc. to enter into the agreement with the NDOR
- The authorization of the mayor/county officer/chairman/etc. to execute the agreement on the county or municipality's behalf.

This resolution should be marked with the appropriate Exhibit designation and should be signed and attached to each original agreement. One format option is shown below:

Resolution Number \_\_\_\_\_

Whereas, the State of Nebraska desires to make improvements on a portion of Highway (Highway Number) within the Corporate Limits of (municipality name) under a highway improvement projected denoted as Project No. XXXXXXXXXXXX, and

(*Include or do not include*) Whereas, this highway improvement project will also improve Municipal infrastructure at various locations within the project limits as shown in the agreement, and Whereas the Municipality's responsibilities under this agreement are adequately described in the agreement and are understood by the municipality, and

Whereas, the (Municipality Name) concurs to enter into this agreement with the State of Nebraska, Department of Roads, for said improvement.

Now, therefore, be it resolved, by the (Governing Board) of (Name of Municipality), that the (Title of Signatory) is authorized by this (Governing Board) to execute this agreement with the State of Nebraska, Department of Roads for Project Number (project number).

Introduced and passed this \_\_\_\_\_ day of \_\_\_\_\_, (year).

(Signature block of the Municipal authority that normally signs resolutions and also the attestation of the Clerk.)

Exhibit "B"

**AGREEMENT**

PROJECT NO. STP-S55A(105)  
CONTROL NO. 12967  
COUNTY OF LANCASTER  
STATE OF NEBRASKA, DEPARTMENT OF ROADS  
DENTON SPUR  
PROJECT DETOUR

**THIS AGREEMENT** is between the County of Lancaster ("County") and the State of Nebraska, Department of Roads ("State") collectively referred to as the "Parties".

**WITNESSETH:**

**WHEREAS**, the State intends to improve State Spur Route S55A, at the location as shown on Exhibit "A", attached, which is hereby made a part of this agreement, and

**WHEREAS**, State intends that the improvement be developed and constructed under the designation of Project No. STP-S55A(105), and

**WHEREAS**, in the interest of public safety and convenience, the State has determined under the authority of Neb. Rev. Stat. §39-1346 and 39-1347 it is necessary to establish a detour during the construction of the above said project on a designated county road, as shown on Exhibit "A" attached, and

**WHEREAS**, County Board has authorized the Chairperson to sign this agreement, as evidenced by the Resolution of the County Board , as shown on Exhibit "B", and

**NOW THEREFORE**, in consideration of these facts and the mutual promises of the Parties hereto, the Parties agree as follows:

**SECTION 1.** County recognizes that State has statutory authority under Neb. Rev. Stat 39-1346 to designate the county road shown on Exhibit "A" as a detour for the State Highway System.

**SECTION 2.** State and County agree the State's Project Manager and County's Highway Superintendent will inspect and document the conditions of the county road to be designated as a state highway detour prior to their use as a detour route. In conformance with Neb. Rev. Stat. §39-1347, the State agrees to maintain the county road during its

IN WITNESS WHEREOF, the County and the State have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the County this \_\_\_\_ day of \_\_\_\_\_, 2017.

WITNESS:

COUNTY OF LANCASTER

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairperson, County Board

EXECUTED by the State this \_\_\_\_ day of \_\_\_\_\_, 2017.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
Michael H. Owen, P.E.

\_\_\_\_\_  
Roadway Design Engineer

RECOMMENDED:  
Thomas Goodbarn, P.E.

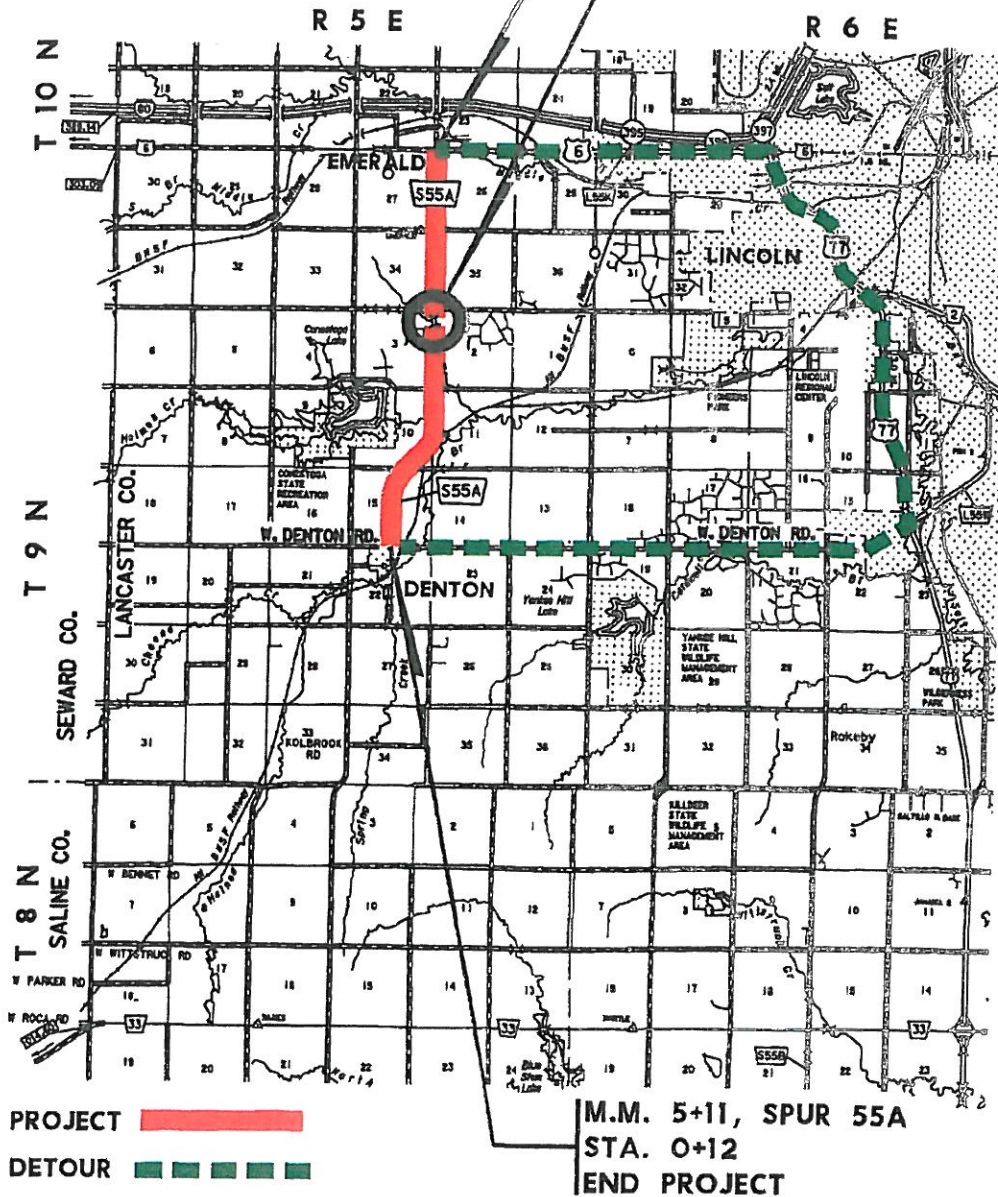
  
\_\_\_\_\_  
District 1 Engineer

# DENTON SPUR DETOUR S55A(1017)

C.N. 12967  
LANCASTER COUNTY

M.M. 0+00, SPUR 55A  
STA. 273+23.51  
BEGIN PROJECT

M.M. 2+16, SPUR 55A  
BRIDGE LOCATION



**NEBRASKA**  
Good Life. Great Journey.

DEPARTMENT OF ROADS

EXHIBIT "A"

use as a detour and to return said county road to the County at the conclusion of its use as a detour in as good condition as existed prior to when it was designated as a state highway detour.

**SECTION 3.** State will notify the county in writing when the State assumes jurisdictional responsibility for the county road and to notify the County in writing when the county road is returned to the jurisdictional responsibility of the County.

**SECTION 4.** State will bear the cost of changes required to county road to prepare it for use as a detour for state highway traffic and that these changes will be made without cost to the County.

**SECTION 5.** State will bear the cost of the operation and maintenance of the county road as a detour for highway traffic while the county road is designated as a detour for state highway traffic.

**SECTION 6.** County will, upon notification by State of termination of the use of the county road as a state highway detour, resume jurisdictional responsibility for the county road including changes made to the roadway in preparation for its use as a highway detour, maintenance or operational changes that occurred during its use as a highway detour, and changes made to the roadway to return it to as good condition as existed prior to when it was designated a state highway detour.

**SECTION 7.** The County Board has authorized the Chairperson of the Board to execute this Agreement, as evidenced by the Resolution of the County Board, attached as Exhibit "B" and incorporated herein by this reference.

IN WITNESS WHEREOF, the County and the State have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the County this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

WITNESS:

COUNTY OF LANCASTER

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairperson, County Board

EXECUTED by the State this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
Michael H. Owen, P.E.

\_\_\_\_\_  
Roadway Design Engineer

RECOMMENDED:  
Thomas Goodbarn, P.E.

  
\_\_\_\_\_  
District 1 Engineer

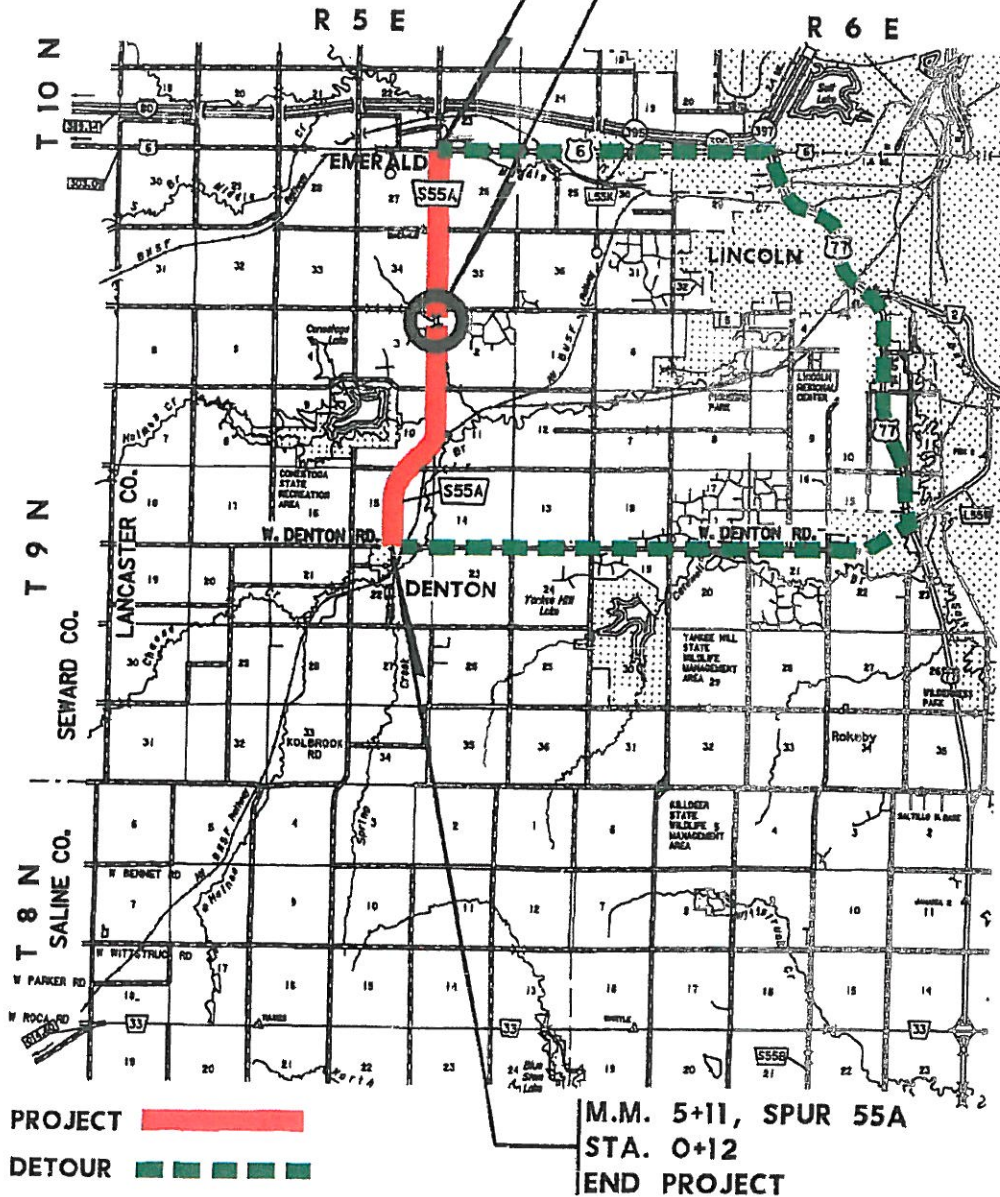


# DENTON SPUR DETOUR S55A(1017)

C.N. 12967  
LANCASTER COUNTY

M.M. 0+00, SPUR 55A  
STA. 273+23.51  
BEGIN PROJECT

M.M. 2+16, SPUR 55A  
BRIDGE LOCATION



NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF ROADS

EXHIBIT "A"