

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, AUGUST 8, 2006**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

Commissioners Present: Deb Schorr, Chair  
Bob Workman, Vice Chair  
Bernie Heier  
Larry Hudkins  
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 9:30 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 1, 2006.**

**MOTION:** Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated August 1, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

**A. The Commissioners Award of Excellence for July, 2006 was presented to the team of Amy Munsterman, LauraLee Woodruff and Audrey Bakula, employees at the Community Mental Health Center.**

**MOTION:** Workman moved and Stevens seconded approval of the Commissioners Award of excellence for July, 2006 for Amy Munsterman, LauraLee Woodruff and Audrey Bakula, employees at the Community Mental Health Center. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

- 3) **CLAIMS:** Approval of all claims processed through Tuesday, August 8, 2006.

**MOTION:** Workman moved and Heier seconded approval of all claims process through August 8, 2006. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

- 4) **PUBLIC HEARINGS:**

**A. County Special Permit No. 05058, Martell Development Community Unit Plan, requested by Marcia Kinning of ESP on behalf of Dutch Bentzinger, for authority to develop four residential acreage lots on 20.78 acres on property located northeast of Southwest 29<sup>th</sup> Street and West Martell Road, Lancaster County, Nebraska. (See New Business Item 6A and 6B for correlating documentation.)**

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The oath was administered to Matt Langston of ESP.

Langston gave a brief overview of the proposal indicating that Sprague had given conditional approval of the special permit.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

**B. County Change of Zone No. 06022, requested by J.D. Burt of Design Associates on behalf of TO DEW, L.L.C., from AG Agricultural District to AGR Agricultural Residential District, on property generally located at Southwest 62<sup>nd</sup> Street and West Sprague Road, Lancaster County, Nebraska. (See New Business Item 6C for correlating documentation.)**

**C. County Special Permit No. 06028, requested by J.D. Burt of Design Associates, on behalf of TO DEW, L.L.C. (Debra and Todd Wendelin), for authority to develop dwelling units within 1320 feet of a public lake, on property generally located at Southwest 62<sup>nd</sup> Street and West Sprague Road, Lancaster County, Nebraska. (See New Business Item 6D for correlating documentation.)**

4) **PUBLIC HEARINGS CONTINUED:**

**D. County Preliminary Plat No. 06005, requested by J.D. Burt of Design Associates on behalf of TO DEW, L.L.C. (Debra and Todd Wendelin), for 26 residential acreage lots on property generally located at Southwest 62<sup>nd</sup> Street and West Sprague Road, Lancaster County, Nebraska. (See New Business Item 6E for correlating documentation.)**

The Chair opened the hearings and asked if anyone wished to provide testimony.

The oath was administered to Mike DeKalb, Planning Department.

In response to a question asked by Workman, DeKalb stated staff recommendation for denial was based on the fact that the proposal was not in conformance with the Comprehensive Plan. He stated Planning Commission had questions regarding medical responses, support in the area, and future development and chose to recommend denial. DeKalb stated an updated drawing had been provided to the Board by J.D. Burt showing their revised lot alignment.

The oath was administered to J.D. Burt of Design Associates appearing on behalf of the applicants.

Burt gave a brief overview of the proposals, noting that the lots would be five acres of which three acres would be buildable.

Also discussed were street connections, fire service, density and water quantity.

The Chair asked if anyone else wished to provide testimony.

The oath was administered to Diane Gropp, 7640 West Sprague Road, and Mike Gropp, 6775 West Sprague Road.

The Gropps indicated they are opposed to the proposals and have concerns regarding density, increased traffic, safety issues and adequate volunteers for emergency services such as fire.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearings were closed.

5) **OLD BUSINESS:**

- A. A sub-grant award agreement between Lancaster County and the Nebraska Emergency Management Agency (NEMA) for the period of August 1, 2005 through October 31, 2005, in the amount of \$25,194.69.

Item held at the request of the County Attorney's Office

6) **NEW BUSINESS:**

- A. A resolution in the matter of County Change of Zone No. 05080 requesting a change of zone for property generally located northeast of Southwest 29<sup>th</sup> Street and West Martell Road from AG Agricultural to AGR Agricultural Residential. (R-06-0069)
- B. A resolution in the matter of County Special Permit No. 05058, Martell Development Community Unit Plan, requested by Marcia Kinning of ESP on behalf of Dutch Bentzinger, to develop four residential acreage units on property generally located northeast of Southwest 29<sup>th</sup> Street and West Martell Road, Lancaster County, Nebraska. (R-06-0073)

**MOTION:** Hudkins moved and Workman seconded approval of Resolution 06-0069 in the matter of County Change of Zone No. 05080 and approval of Resolution 06-0073, Martell Community Unit Plan, for property generally located northeast of Southwest 29<sup>th</sup> Street and West Martell Road, Lancaster County, Nebraska.

Stevens indicated the County Board office received a fax in opposition to the permit containing the names of approximately 25 individuals.

**ROLL CALL:** Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

- C. A resolution in the matter of County Change of Zone No. 06022, from AG Agricultural to AGR Residential, requested by J.D. Burt of Design Associates on behalf of TO DEW, L.L.C. (Debra and Todd Wendelin), on property generally located at Southwest 62<sup>nd</sup> Street and West Sprague Road, Lancaster County, Nebraska. (R-06-0084)

6) NEW BUSINESS CONTINUED:

- D. A resolution in the matter of County Special Permit No. 06028, requested by J.D. Burt of Design Associates on behalf of TO DEW, L.L.C. (Debra and Todd Wendelin), for authority to develop dwelling units within 1,320 feet of a public lake on property generally located at Southwest 62<sup>nd</sup> Street and West Sprague Road, Lancaster County, Nebraska (R-06-0083)
- E. A resolution in the matter of County Preliminary Plat No. 06005, Wendelin Estates 1<sup>st</sup> Addition, requested by J.D. Burt of Design Associates on behalf of TO DEW, L.L.C. (Debra and Todd Wendelin), for 26 residential acreage lots, on property generally located at Southwest 62<sup>nd</sup> Street and West Sprague Road, Lancaster County, Nebraska. (R-06-0085)

**MOTION:** Stevens moved and Workman seconded denial of Resolution 06-0084 in the matter of County Change of Zone No. 6022; denial of Resolution 06-0083 in the matter of County Special Permit No. 06028 and denial of Resolution 06-0085 in the matter of County Preliminary Plat No. 06005. Stevens and Workman voted aye. Heier, Hudkins and Schorr voted no. Motion failed.

**MOTION:** Heier moved and Hudkins seconded approval of Resolution 06-0084 in the matter of County Change of Zone No. 06022, from AG Agricultural to AGR Residential on property generally located at Southwest 62<sup>nd</sup> Street and West Sprague Road; approval of Resolution 06-0083 in the matter of County Special Permit No. 06028, requested by J.D. Burt of Design Associates on behalf of TO DEW, L.L.C. (Debra and Todd Wendelin), for authority to develop dwelling units within 1,320 feet of a public lake and approval of Resolution 06-0085 in the matter of County Preliminary Plat No. 06005, Wendelin Estates 1<sup>st</sup> Addition, requested by J.D. Burt of Design Associates on behalf of TO DEW, L.L.C. (Debra and Todd Wendelin), for 26 residential acreage lots, on property generally located at Southwest 62<sup>nd</sup> Street and West Sprague Road, Lancaster County, Nebraska. Hudkins, Heier and Schorr voted aye. Stevens and Workman voted no. Motion carried.

6) NEW BUSINESS CONTINUED:

**F. Applications for four Special Designated Licenses from the Nebraska State Board of Agriculture to provide liquor beverage service for the following events to be held in connection with the Nebraska State Fair:**

- ▶ Regional band acts to be held at the Open Air Auditorium August 25 through August 29, 2006 from 3 p.m. to Midnight; August 31, 2006 from 3 p.m. to Midnight and September 2 and September 4, 2006 from 3 p.m. to Midnight
- ▶ Greater Omaha Barbeque Society on August 25, 2006 from 5 p.m. to Midnight; August 26 and 27, 2006 from 12 p.m. to Midnight
- ▶ Regional band acts to be held at the Bristol Window Stage August 25 through August 30, 2006 from 5 p.m. to 1 a.m.
- ▶ A beer garden at the Blue Oasis Addition August 25 through August 30, 2006. Hours of operation will be 5 p.m. to 1 a.m. on August 25, 2006 and 12 p.m. to 1 a.m. August 26 through September 4, 2006.

Joe McDermott, Interim Director, appeared and gave an overview of the applications.

**MOTION:** Stevens moved and Heier seconded approval of four applications for Special Designated Licenses from the Nebraska State Board of Agriculture to provide liquor beverage service at events to be held in connection with the Nebraska State Fair subject to the recommendations as outlined by the Sheriff's Office. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

**G. An application for a Special Events Permit from Benson Enterprises, Inc. to operate a corn maze from September 23<sup>rd</sup> through October 31, 2006 at 5600 Southwest 140<sup>th</sup> Street, Denton, Lancaster County, Nebraska. The maze will operate on weekends (Friday, Saturday, and Sunday) only.**

Wayne Benson, applicant, disseminated documentation (Exhibit 1) and gave an overview of the application. It was also noted that the maze will be open for business on Monday, October 30<sup>th</sup> and Tuesday, October 31<sup>st</sup> to celebrate Halloween.

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Stevens moved and Hudkins seconded approval of an application for a Special Events Permit from Benson Enterprises, Inc. to operate a corn maze from September 23<sup>rd</sup> through October 31, 2006 at 5600 Southwest 140<sup>th</sup> Street, Denton, Lancaster County, Nebraska. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

**H. Applications for Special Designated Licenses from Slapshotz Bar & Grill to provide liquor beverage service for adult softball leagues to be held at the Star City Youth Optimist Foundation, located at 5300 South Folsom Street, as follows:**

- ▶ August 28, 29 and 30, 2006 from 5 p.m. to 9 p.m.
- ▶ September 4, 5 and 6, 2006 from 5 p.m. to 9 p.m.
- ▶ September 11, 12 and 13, 2006 from 5 p.m. to 9 p.m.
- ▶ September 18, 19 and 20, 2006 from 5 p.m. to 9 p.m.
- ▶ September 25, 26 and 27, 2006 from 5 p.m. to 9 p.m.
- ▶ October 2, 3 and 4, 2006 from 5 p.m. to 9 p.m.
- ▶ October 9, 10, 11 and 14, 2006 from 10 a.m. to 9 p.m.
- ▶ October 16, 17 and 18, 2006 from 5 p.m. to 9 p.m.

Appearing was Joe Ruiz, applicant, who indicated operating hours on October 9, 10 and 11, 2006 would be from 5 p.m. to 9 p.m. and on October 14, 2006 operating hours would be from 10 a.m. to 9 p.m..

Schorr asked if the application was correct.

Heier indicated the application was incorrect.

Schorr noted the correction would be made on the application.

**MOTION:** Heier moved and Stevens seconded approval of applications for Special Designated Licenses from Slapshotz Bar & Grill to provide liquor beverage service for adult softball leagues to be held at the Star City Youth Optimist Foundation, located at 5300 South Folsom Street. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- I. **An educational affiliation agreement between BryanLGH Medical Center on behalf of its College of Health Science, and Lancaster County to allow the College to utilize the facilities at the Lancaster County Attorney's Office for the purpose of providing clinical experience to the College's nursing students. The agreement is effective upon execution and includes a 60 day termination provision. This agreement replaces the agreement executed by the County Board on July 25, 2006 under County Contract No. C-06-0438. (C-06-0459)**

**MOTION:** Workman moved and Stevens seconded approval of an educational affiliation agreement between BryanLGH Medical Center on behalf of its College of Health Science, and Lancaster County to allow the College to utilize the facilities at the Lancaster County Attorney's Office for the purpose of providing clinical experience to the College's nursing students.

In response to a question asked by Schorr, Kristy Mundt, Deputy County Attorney, indicated Paragraph 14 was excluded from the previous contract.

**ROLL CALL:** Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

- J. **A lease agreement between Lancaster County and Community Alternatives Nebraska for approximately 1,842.25 square feet of office space at Trabert Hall, located at 2202 South 11<sup>th</sup> Street, Lincoln, Nebraska. Term of the agreement is July 1, 2006 through June 30, 2007. Community Alternatives Nebraska will pay the County \$959.51 per month for the leased space. (C-06-0460)**

**MOTION:** Hudkins moved and Stevens seconded approval of a lease agreement between Lancaster County and Community Alternatives Nebraska for approximately 1,842.25 square feet of office space at Trabert Hall, located at 2202 South 11<sup>th</sup> Street, Lincoln, Nebraska. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

**K. Agreements with the following facilities to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreements set forth a reimbursement arrangement in which the County will provide payment for the medical care and the facilities will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreements are effective upon execution of both parties and contains a 30-day termination provision.**

- ▶ Endocrine Consultants of Nebraska (C-06-0451)
- ▶ Douglas Fiedler, M.D. (C-06-0452)
- ▶ William Johnson, M.D. (C-06-0453)
- ▶ Lisa Mansur, M.D. (C-06-0454)
- ▶ Ellen Miller, M.D. (C-06-0455)
- ▶ Anup Chakraborty, M.D. (C-06-0456)
- ▶ John Rudersdorf, M.D. (C-06-0457)
- ▶ John Trapp, M.D. (C-06-0458)

**MOTION:** Heier moved and Stevens seconded approval of agreements with Endocrine Consultants of Nebraska, Douglas Fiedler, M.D., William Johnson, M.D., Lisa Mansur, M.D., Ellen Miller, M.D., Anup Chakraborty, M.D., John Rudersdorf, M.D., and John Trapp, M.D. to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

**L. Request for step pay increases for William Fleisher and Steven Spader, employees in the Lancaster County Engineer's Department, due to exceptional circumstances.**

Don Thomas, County Engineer, gave a brief explanation of the request.

**MOTION:** Stevens moved and Workman seconded approval of a request for step pay increases for William Fleisher and Steven Spader, employees in the Lancaster County Engineer's Department, due to exceptional circumstances. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**M. Request for a two step pay increase for Jane Nelkin, an employee at Lancaster Manor, due to exceptional circumstances.**

**MOTION:** Workman moved and Stevens seconded approval of a request for a two step pay increase for Jane Nelkin, an employee at Lancaster Manor, due to exceptional circumstances. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

**N. A political subdivision tort claim filed by Arlyn J. (LeRoy) Eastman on behalf of Lino Lowell Spotted Elk, Jr. against Lancaster County, in an unspecified amount, for injuries resulting from incarceration at the Sheridan County Jail located in Rushville, Nebraska.**

**MOTION:** Heier moved and Stevens seconded denial of a political subdivision tort claim filed by Arlyn J. (LeRoy) Eastman on behalf of Lino Lowell Spotted Elk, Jr. against Lancaster County, in an unspecified amount, for injuries resulting from incarceration at the Sheridan County Jail located in Rushville, Nebraska. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

**O. A political subdivision tort claim filed against the Lancaster County Corrections Department by Michael Carr for lost property in an unspecified amount.**

**MOTION:** Heier moved and Stevens seconded to accept the recommendation of the Director and deny a political subdivision tort claim filed against the Lancaster County Corrections Department by Michael Carr for lost property in an unspecified amount. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

7) **CONSENT ITEMS:** *These are items of business that are routine which 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. Receive and Place on File:**

1. Clerk of the District Court's Monthly Report for July, 2006.
2. County Clerk's Monthly Report for July, 2006.
3. Lancaster Manor's Monthly Report.

**B. Setting of a public hearing for Tuesday, August 15, 2006 at 7 p.m. in the County Commissioners Hearing Room, Rom 112, on the first floor of the County-City Building regarding Lancaster County's proposed budget for fiscal year 2006-2007.**

**C. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Irene Peters, in the amount of \$550, at North 148<sup>th</sup> and Holdrege Streets; Project No. CP-J-143. (C-06-0461)**

**MOTION:** Stevens moved and Heier seconded approval of the Consent Items. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

8) **ADJOURNMENT:**

**MOTION:** Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 11:08 a.m.. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, AUGUST 8, 2006  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Deb Schorr, Chair  
Bob Workman, Vice Chair  
Bernie Heier  
Larry Hudkins  
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 11:08 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 1, 2006.**

**MOTION:** Heier moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated August 1, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 20 additions and deductions to the tax assessment rolls per Attachment "A".**

**MOTION:** Hudkins moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **ADJOURNMENT:**

**MOTION:** Heier moved and Stevens seconded adjournment of the Board of Equalization meeting at 11:09 a.m.. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

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Bruce Medcalf  
County Clerk