

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, APRIL 8, 2008**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

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

Others Present: Gwen Thorpe, Deputy Chief Administrative Officer  
Dan Nolte, County Clerk  
Cori Beattie, Chief Deputy County Clerk  
Doug Cyr, Deputy County Attorney

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:37 a.m..

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 1, 2008.

**MOTION:** Stevens moved and Heier seconded approval of the minutes of the Board of Commissioners meeting held on April 1, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, April 8, 2008.

**MOTION:** Schorr moved and Stevens seconded approval of all claims processed through April 8, 2008. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

**A. Presentation of Lancaster County Sheriff's Awards - Terry Wagner, Lancaster County Sheriff**

The following individuals were recognized and presented Lancaster County Sheriff's Awards:

3) **SPECIAL PRESENTATIONS CONTINUED:**

Margie Stinson - Civilian Employee of the Year Award  
Deputy Amy Willadsen - Lifesaving Award  
Brett Naber - Civilian Award  
Sgt. Jeff Bliemeister - Exceptional Duty Award  
Deputy Sheriff of the Year - Deputy Joe Gehr

**B. Resolution No. R-08-0023 approving the Lancaster County Visitors Improvement Fund Grant Guidelines (R-08-0023) - Jeff Maul, Convention & Visitors Bureau Director; Wendy Birdsall, Lincoln Chamber of Commerce President; Scott Miller, Chair and John Chapo, Vice Chair, Visitors Promotion Committee**

Jeff Maul, Convention & Visitors Bureau Director, appeared and stated that tourism has been strong in Lincoln and Lancaster County in the past two years with records being broken in 2007 for room nights produced through the Convention & Visitors Bureau.

Scott Miller, Chair of the Visitors Promotion Committee, referred to the Improvement Fund Grant Guidelines stating they (the guidelines) would allow for the improvement of visitor attractions to entice more people/groups to the community and increase the number of room nights.

John Chapo, Vice Chair of the Visitors Promotion Committee, encouraged the County Board to support and endorse the resolution approving the Lancaster County Visitors Improvement Fund Grant Guidelines.

Wendy Birdsall, Lincoln Chamber of Commerce President, thanked the County Board for their support and a great working relationship.

Schorr clarified for the record that the grant funds come from a two percent lodging tax which is added to each hotel night in Lincoln and Lancaster County which generates approximately \$240,000 per year.

**MOTION:** Hudkins moved and Stevens seconded approval of Resolution No. R-08-0023 approving the Lancaster County Visitors Improvement Fund Grant Guidelines. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

**A. County Change of Zone No. 08008, from AG Agricultural District to AGR Agricultural Residential District and B Business District, on an 80-acre parcel, requested by Jerry and Karen Fletcher, on property generally located one-half mile north of the corner of South 162<sup>nd</sup> Street and Nebraska Highway 2 ("Bennet corner"). (See New Business Item 5A for correlating documentation.)**

The Chair opened the public hearing.

The Clerk administered the oath to Jerry and Karen Fletcher, applicants, Kristy Meyer-Johns and Lori Meyer, co-owners of the subject property.

Jerry Fletcher, applicant, stated he visited with the State of Nebraska, Department of Roads; Omaha Public Power District; Bennet Village Board, Rural Water, Norris Public Power District and the Bennet Superintendent of Schools and that everyone has been favorable to his proposal. He also discussed access noting that individuals can use Highway 2, 148<sup>th</sup> Street, Old Cheney Road and 70<sup>th</sup> Street.

Fletcher stated he met with the Department of Roads who informed him they would begin purchasing ground in September of 2008 for the reconstruction of 148<sup>th</sup> Street. The bids would be let July 1, 2009 and the work would be completed in approximately 90 working days. Funding for the road, he said, has been approved. He added that they have agreed to sell the Department of Roads the land at the fair agricultural value.

Fletcher discussed the new water line stating that it is being constructed one-half mile north of the property and that there will be a six-inch water line to their property. He stated they would build three acreages along 162<sup>nd</sup> Street and that currently there is only one water hookup on the line. The rural water district has indicated they would allow two additional homes onto the line, however, when the new water tower is ready they would allow more.

Schorr asked whether the request for B Business zoning was included in the change of zone or if it had been withdrawn.

Fletcher responded that they would like to include it, but they would also be willing to drop it if suggested that they do so.

Also testifying in favor of the proposal was Karen Meyer-Fletcher, applicant, who stated the location has good access and is within five minutes of shopping, banking, dining, fast food restaurants and home improvements stores.

#### 4) PUBLIC HEARINGS CONTINUED:

Lori Meyer, co-owner of subject property, clarified the reason they are requesting "AGB" Agricultural Business zoning instead of "AGR" Agricultural Residential is because of where the State Department of Roads is placing the road. She said if it doesn't make sense to have the "B" Business zoning they would compromise to withdraw that request.

The Chair asked if anyone wished to testify in opposition or in a neutral position to the proposal.

#### OPPOSITION

The oath was administered to the following individuals appearing in opposition and who addressed concerns regarding junk cars, partially torn down building(s), additional water hookups on water line along 162<sup>nd</sup> Street, additional demands on the Bennet school district and rural water district and encroachment upon the Village of Bennet:

- Doreen Jose, 8900 South 162nd Street, Bennet, Nebraska
- Don Murray, Chair of the Bennet Board of Trustees
- Pat Rule, Bennet Village Clerk

#### NEUTRAL

The Clerk administered the oath to Ken Halvorsen, with the Rural Water District.

Halvorsen clarified that the rural water district is in the process of a major upgrade to the system. He stated there will be a new water tower constructed at approximately 155<sup>th</sup> Street and Yankee Hill Road with a ten-inch main running along Yankee Hill Road to 176<sup>th</sup> Street and to Olive Creek Road. The upgrade, he said, will allow 400 to 500 new homes to hook onto rural water. Halvorsen added that there is a possibility that one or two homes could be allowed to hook onto the water line along 162<sup>nd</sup> Street for a short period of time.

The Clerk administered the oath to Mike DeKalb, Planning Department.

DeKalb gave a brief overview regarding recommendations made by Planning staff and Planning Commission to deny the proposal because it was felt it was premature and is not in conformance with the Lincoln-Lancaster County Comprehensive Plan or the Bennet Village Plan.

4) **PUBLIC HEARINGS CONTINUED:**

General discussion took place regarding access to and from the property and the withdrawal of the request for "B" Business zoning.

The Chair closed the public hearing.

**NEW BUSINESS ITEM 5A:**

**A. A resolution in the matter of County Change of Zone No. 08008 from Agriculture (AG) to Agriculture Residential (AGR) and Business District (B) requested by Jerry and Karen Fletcher on property generally located at South 162nd Street and Highway 2, Lancaster County, Nebraska. (R-08-0022)**

**MOTION:** Stevens moved and Heier seconded to approve Resolution No. R-08-0022 in the matter of denying County Change of Zone No. 08008 from Agriculture (AG) to Agriculture Residential (AGR) and Business District (B) requested by Jerry and Karen Fletcher on property generally located at South 162nd Street and Highway 2, Lancaster County, Nebraska.

Stevens stated he wasn't comfortable with the documentation submitted and would like to see a more detailed proposal. He added he felt it was premature based on the road being incomplete and the fact that there is no funding in place for its completion.

Workman concurred with Stevens that the proposal is premature at the current time.

Schorr stated she would like to see a more defined preliminary plan and is concerned that the Village of Bennet has not been fully briefed. She stated she supports the development, however, she can't support the change of zone at the present time because the Village of Bennet is not onboard and because she is uncomfortable with the lack of documentation.

In response to a question asked by Hudkins, DeKalb stated upon denial of a change of zone an applicant must wait one year before they may reapply, however, if the applicant(s) withdraws the request and the County Board agrees, the applicant(s) may reapply at any time.

5) **NEW BUSINESS CONTINUED:**

The County Board consulted with Planning staff and legal counsel regarding the procedure for withdrawal of the application for change of zone.

Heier withdrew his second approving Resolution No. R-08-0022 to deny County Change of Zone No. 08008.

Workman seconded the motion approving Resolution No. R-08-0022 to deny County Change of Zone No. 08008.

**ROLL CALL:** Stevens and Workman voted yes. Hudkins and Heier voted no. Schorr abstained from voting. Motion failed.

Fletcher requested that the application for County Change of Zone No. 08008 be withdrawn.

**MOTION:** Schorr moved and Heier seconded to accept the request for withdrawal of County Change of Zone No. 08008 by the applicant(s).

Stevens asked Karen Fletcher, co-applicant, if she concurs with the request to withdraw.

Mrs. Fletcher responded yes.

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

**RETURNING TO PUBLIC HEARINGS:**

**B. Automatic renewal of the following retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution No. R-00-0148, adopted December 12, 2000 for which the county clerk has received no protests:**

Blue Collar Liquor  
Branched Oak Marina  
Casey's General Store  
Castaways Bar & Grill/Pawnee Marina  
Crooked Creek Golf Club  
Deer Springs Winery  
Dusty's Bar & Grill  
Emerald Mini-Mart  
Firethorn Golf Club  
HiMark Golf Club  
Hidden Valley Golf Course & Club  
Hillcrest Country Club

Lincoln Izaak Walton League  
Major Oil  
Marina Bay Grill  
Merle's Food & Drink  
Mike's 66 & Towing Company  
Outpost Tavern  
Pla-Mor Ballroom  
Prime Country Winery  
Raymono's Pizza Plus  
Shoemaker's Truck Stop South  
Silver Spoke Saloon  
Toni's Corner

4) **PUBLIC HEARINGS CONTINUED:**

James Arthur Vineyards  
Kabredlos #117  
La Paloma

U-Stop Convenience Shop  
Veterans FW 3606  
Yankee Hill Country Club

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

No one appeared and the hearing was closed.

**MOTION:** Heier moved and Stevens seconded approval of the automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution No. R-00-0148, for which the county clerk has received no protests. Hudkins, Stevens, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

5) **NEW BUSINESS:**

**A. A resolution in the matter of County Change of Zone No. 08008 from Agriculture (AG) to Agriculture Residential (AGR) and Business District (B) requested by Jerry and Karen Fletcher on property generally located at South 162nd Street and Highway 2, Lancaster County, Nebraska. (R-08-0022)**

This item was moved forward on the agenda.

**B. A contract between Lancaster County and Constructors Inc., in the amount of \$708,710.47, for asphaltic concrete paving on South 82nd Street from Panama Road north two miles to Hickman Road. The contract will be effective upon execution by both parties, with work to commence on or before May 19, 2008 and is to be completed on or before August 15, 2008. (C-08-0138)**

**MOTION:** Stevens moved and Heier seconded approval of a contract between Lancaster County and Constructors Inc., in the amount of \$708,710.47, for asphaltic concrete paving on South 82nd Street from Panama Road north two miles to Hickman Road. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

4) **PUBLIC HEARINGS CONTINUED:**

**C. An agreement with Hasler Inc. for a license to lease and use a postage meter. The agreement is required by the United States Postal Service and there will be no charge to the County for the first 12 months of the agreement. Thereafter, the rental rate is \$48 per month for a period of 45 months. (C-08-0139)**

**MOTION:** Stevens moved and Hudkins seconded approval of an agreement with Hasler Inc. for a license to lease and use a postage meter. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

**D. Recommendation from the Lancaster County Engineer to award a bid to Dobson Brothers Construction Company, in the amount of \$906,227.13, for asphaltic concrete resurfacing and paving; Project No. 08-28. (Please note the award includes two changes to the original bid.) (B-08-0018)**

**MOTION:** Hudkins moved and Stevens seconded approval to award a bid, as recommended by the Lancaster County Engineer, to Dobson Brothers Construction Company, in the amount of \$906,227.13, for asphaltic concrete resurfacing and paving; Project No. 08-28.

Don Thomas, County Engineer, noted two changes to the bid. The first change lengthens the Firth Road overlay; the second change increases eight-inch asphalt on Saltillo Road to nine-inches.

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

**E. Request from Mary Stoughton Wenzl for attorney's fees, in the amount of \$579. The claim is made pursuant to Resolution No. 4630, and is based on the reimbursement of \$5,700 to Lancaster County for General Assistance previously paid on behalf of Rodney S. Vculek, following the approval of Mr. Vculek's Supplemental Security Income claim.**

**MOTION:** Heier moved and Hudkins seconded approval of a request from Mary Stoughton Wenzl for attorney's fees, in the amount of \$579. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

6) **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. **County Assessor/Register of Deeds Monthly Report for March, 2008.**
2. **Records & Information Management's Monthly Report for March, 2008.**

**B. Request from Jeff Rardin, an employee with the Corrections Department, to voluntarily participate in the Lancaster County Retirement Plan having met the requirements.**

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

7) **ADJOURNMENT:**

**MOTION:** Stevens moved and Schorr seconded adjournment of the Board of Commissioners meeting at 11:48 a.m.. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

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Dan Nolte  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, APRIL 8, 2008  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

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

Others Present: Gwen Thorpe, Deputy Chief Administrative Officer  
Dan Nolte, County Clerk  
Cori Beattie, Chief Deputy County Clerk  
Doug Cyr, Deputy County Attorney  
Scott Gaines, Deputy County Assessor/Register of Deeds

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 11:48 a.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 1, 2008.**

**MOTION:** Schorr moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on April 1, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 15 additions and deductions o the tax assessment rolls per Attachments "A" and "B".**

The Clerk stated there is an addendum to the Board of Equalization agenda adding two additional parcels to the additions and deductions, for a total of 17.

**MOTION:** Hudkins moved and Stevens seconded approval of 17 additions and deductions to the tax assessment rolls. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

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

**Lincoln Action Program, Inc. (2 exemption applications)  
Living Faith Free Methodist Church  
Nebraska Wesleyan University  
St. Patrick's Catholic Church  
Seventh-day Adventist Schools of Lincoln**

**MOTION:** Heier moved and Stevens seconded approval of the motor vehicle tax exemptions for Lincoln Action Program, Inc. (2 applications), Living Faith Free Methodist Church, Nebraska Wesleyan University, St. Patrick's Catholic Church and Seventh-day Adventist Schools of Lincoln. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 11:50 a.m.. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

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Dan Nolte  
County Clerk