

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, JULY 12, 2012  
8:30 A.M.**

Commissioners Present: Deb Schorr, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Jane Raybould  
Brent Smoyer

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

*Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on July 11, 2012.*

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

**AGENDA ITEM**

**1 APPROVAL OF THE MINUTES OF THE THURSDAY, JULY 5, 2012**

**MOTION:** Hudkins moved and Heier seconded approval of the minutes of the July 5, 2012 Staff Meeting. Hudkins, Heier and Schorr voted aye. Raybould and Smoyer were absent from voting. Motion carried 3-0.

**2 ADDITIONS TO THE AGENDA**

None were stated.

**3 COUNTY SPECIAL PERMIT NO. 12015, EXPANSION OF RECREATIONAL FACILITY AT SOUTHWEST 29<sup>TH</sup> STREET AND WEST WITTSTRUCK ROAD** - Marvin Krout, Planning Director; Sara Hartzell, Planner

Sara Hartzell, Planner, gave an overview of County Special Permit No. 12015, a request to convert a special permit for a club (County Special Permit No. 07032) to a special permit for a recreational facility in the Agricultural (AG) District on property at Southwest 29<sup>th</sup> Street and West Wittstruck Road. The recreational facility would be used for camps, physical challenge course training, corporation retreats and special

event challenge/adventure races. The property upon which the proposed special permit is located is in split jurisdiction between the County and the City of Lincoln's three-mile zoning jurisdiction, with the majority in the County's jurisdiction. Separate action is required by the County Board on that portion that is located within the County's jurisdiction and the City Council on that portion that is located in the City's jurisdiction. She said the property currently has two (2) special permits. One is for a club on the independent lot (includes a building) and the second is for a community unit plan (CUP) that covers the entire area (includes seven (7) dwelling units). All of the zoning in the area is Agricultural (AG). Hartzell said the Planning Department recommends that the club special permit be changed to a recreational special permit, regardless of any expansion, because the definition of a recreational facility more accurately reflects existing use.

Smoyer arrived at the meeting at 8:35 a.m.

Hartzell noted that the special permit area has been reduced to 71 acres from the original request which included all of the outlot, which is approximately 100 acres in size. This provides a separation of at least 600 feet from existing dwelling units. The applicant has also proposed a 250 foot setback from any future dwelling unit. **NOTE:** The existing special permit covers 23 acres. She said they are currently using a trail that runs through the area as a challenge course and said it is appropriate that the size be expanded to include that course if they are going to continue to use it.

Hartzell said the applicant is also seeking an expansion of uses (they are currently allowed 50 participants in their club):

- A maximum occupancy of 50 persons that would not exceed five (5) consecutive days in a given calendar week
- A maximum occupancy of 150 persons that would not exceed five (5) events in a thirty-day period and no more than two (2) events in a calendar week
- Special events of up to 500 persons not to exceed six (6) events per year that could be permitted through the Amusement License process

Schorr asked if there was any reference to alcohol. Hartzell explained that alcohol is not approved through the special permit process but said the applicant could apply for a special designated license (SDL).

Hartzell also discussed road access and said the applicant has proposed that the dirt portion of Wittstruck Road (from Southwest 14<sup>th</sup> Street to their driveway) be closed during large events to keep traffic on the gravel portion. She said the applicant will also promote a paved route for traffic coming from Highway 77.

Hartzell said the Planning Department sent letters to property owners within a mile of the property (81 different properties). She said 21 responded in opposition. Thirty-four letters were received in support, 3 from neighboring property owners. Hartzell

said the Planning Commission approved the application on June 13<sup>th</sup> on a vote of 9-0. That approval was appealed to both the County Board and the City Council. A joint public hearing is scheduled for July 17<sup>th</sup>. She said action will be taken to either approve or deny the special permit, not the appeal. Because the majority of the application is in the County's jurisdiction, the County Board will vote first.

Brittany Behrens, Deputy County Attorney, appeared and suggested the County Board give direction to the County Attorney's Office at the conclusion of the public hearing on whether the Board will approve or deny the special permit. A resolution will then be prepared for the July 24<sup>th</sup> County Board of Commissioners Meeting.

Board members indicated they were comfortable with that process.

Hudkins indicated he will not be present at the joint public hearing but said he is generally supportive of the request.

Behrens suggested the Board follow the same procedure for the public hearings on County Change of Zone No. 12015, a text amendment to the Lancaster County Zoning Resolution to add provisions for Agricultural (AG) Preservation lots and to amend the density calculations and bonuses for AG and Agricultural Residential (AGR) residential Community Unit Plans (CUP's), and County Miscellaneous No. 12004, a text amendment to the Lancaster County Land Subdivision Resolution to remove provisions for Administrative Subdivision Permits and to allow Final Plats without a Preliminary Plat and to amend the Design Standards to provide guidance for AG Preservation lots, scheduled on the July 17<sup>th</sup> County Board of Commissioners Meeting agenda.

There was no objection to doing so.

## **ADMINISTRATIVE OFFICER REPORT**

### **A. County Board Photographs for Department of Motor Vehicles (DMV) Offices**

Board consensus was to not expend funds at this time for framed photographs of the Board to be placed in the DMV offices.

### **B. Claim for Lancaster Manor Resident**

Gwen Thorpe, Deputy Chief Administrative Officer, gave an overview of the claim which totals \$71.00.

**MOTION:** Hudkins moved and Heier seconded to approve payment in the amount of \$31.50 out of the Lancaster Manor proceeds. Smoyer, Hudkins, Heier and Schorr voted aye. Raybould was absent from voting. Motion carried 4-0.

- 4 LABOR NEGOTIATIONS** - Doug McDaniel, Personnel Director; Nicole Gross and Amy Sadler, Compensation Technicians; Richard Grabow, Deputy County Attorney

See Item 5.

- 5 PENDING LITIGATION** - Doug Cyr, Chief Administrative Deputy County Attorney; Brittany Behrens, Deputy County Attorney

**MOTION:** Smoyer moved and Heier seconded to enter Executive Session at 8:58 a.m. for the purpose of protecting the public interest with regards to labor negotiations and pending litigation.

The Chair restated the motion for the record.

**ROLL CALL:** Heier, Hudkins, Smoyer and Schorr voted aye. Raybould was absent from voting. Motion carried 4-0.

Raybould arrived at the meeting at 9:10 a.m.

**MOTION:** Heier moved and Hudkins seconded to exit Executive Session at 10:05 a.m. Raybould, Heier, Hudkins, Smoyer and Schorr voted aye. Motion carried 5-0.

- 6 REQUEST TO PURCHASE COUNTY PROPERTY AT SOUTH 82<sup>ND</sup> STREET AND PANAMA ROAD** - Ken Schroeder, County Surveyor

Ken Schroeder, County Surveyor, discussed a request from Dan Post to purchase a strip of land the County owns between South 82<sup>nd</sup> Street and the Burlington Northern Railroad tracks, north of Panama Road (see Exhibit A). He said Post farms the adjacent land. Schroeder said County Engineering is currently using the property for a dirt pile and would like the County to retain ownership.

**MOTION:** Heier moved and Hudkins seconded to authorize the Chair to send a letter to Dan Post, with a copy to the County Engineer, indicating the Board has considered the request but has decided to retain ownership of the property. Hudkins, Smoyer, Heier, Raybould and Schorr voted aye. Motion carried 5-0.

- 7 LANCASTER MANOR WORKERS' COMPENSATION RESERVES** - Sue Eckley, County Risk Manager; Kari Wiegert, Risk Management Specialist

Sue Eckley, County Risk Manager, and Kari Wiegert, Risk Management Specialist, gave an overview of seven (7) open worker's compensation claims the County has from Lancaster Manor (two are lifelong claims). **NOTE:** Lancaster Manor is a nursing home

facility that was formerly owned by the County. Eckley said the claims are currently reserved at \$203,493.

## **8 ACTION ITEMS**

There were no action items.

## **9 CONSENT ITEMS**

There were no consent items.

## **10 ADMINISTRATIVE OFFICER REPORT**

- A. County Board Photographs for Department of Motor Vehicles (DMV) Offices
- B. Claim for Lancaster Manor Resident

Items A and B were moved forward on the agenda.

- C. Public Building Commission Appointment (Jane Raybould)

The Board scheduled the appointment on the July 17<sup>th</sup> County Board of Commissioners Meeting agenda.

## **11 PENDING**

There were no pending items.

## **12 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Region V Governing Board - Smoyer

Meeting was cancelled.

- B. Public Building Commission (PBC) Meeting with Mayor - Hudkins

Hudkins said the Mayor thanked the PBC for assisting with cleanup of the new Amtrack railroad station to get is operational for its opening. He said the Mayor also asked the PBC to "hold the line" for two years on rents.

Heier asked whether the City pays to park Lincoln Police Department (LPD) vehicles underneath the Jail Complex. Hudkins said no, adding they don't charge for County Sheriff's vehicles that are parked there either. He noted the Mayor has suggested that unmarked law enforcement vehicles be moved to another lot and said Don Killeen, County Property Manager, has agreed to look into that.

### C. Meeting with Mayor - Schorr, Hudkins

Schorr reported discussion of the following: 1) Fee increase for 911; 2) Haines Branch Prairie Corridor; 3) Renovation of the Old Jail; 4) Railroad Transportation Safety District (RTSD) project at 33<sup>rd</sup> and Cornhusker Highway; and 5) Lancaster Event Center. Hudkins said he asked the Mayor to consider a credit for sales tax that has been generated by the Event Center's operations and activities that could be used for street improvements at the facility. He said the Mayor indicated he would like the County to help fund the recreational trail that would connect Pioneers Park and Spring Creek Prairie near Denton, Nebraska and said Schorr suggested that it may be more appropriate for the City to seek funding through the Visitors Promotion Committee (VPC).

Raybould asked that the Chair and Vice Chair discuss the Information Services (IS) budget with the Mayor at their next meeting.

### D. Public Building Commission (PBC) - Hudkins, Raybould

Raybould said the Art Committee has selected two artists for the 2012-2013 exhibition season. Their artwork will be displayed on the first floor of the County-City Building.

### E. District Energy Corporation (DEC) - Hudkins, Heier

Hudkins said the DEC has been asked to expand service to the Lumberworks Garage Liner Building and has hired an engineering firm to study the feasibility.

### F. Board of Health - Smoyer

Smoyer reported on budget discussion.

### G. Community Mental Health Center (CMHC) Intent to Negotiate (ITN) Committee - Raybould, Smoyer

Raybould said discussion focused on the draft Intent to Negotiate (ITN) document. Smoyer felt there is still some confusion regarding the differences between an INT and a Request for Proposal (RFP).

### H. Chamber Coffee - Schorr

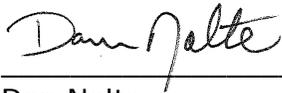
Schorr said she discussed: 1) Community Mental Health Center (CMHC) Intent to Negotiate (ITN); 2) Property valuation protest process; 3) Budget; 4) Jail Construction; 5) Renovation of the Old Jail Facility; 6) New website application; and 7) Lancaster Event Center.

### 13 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

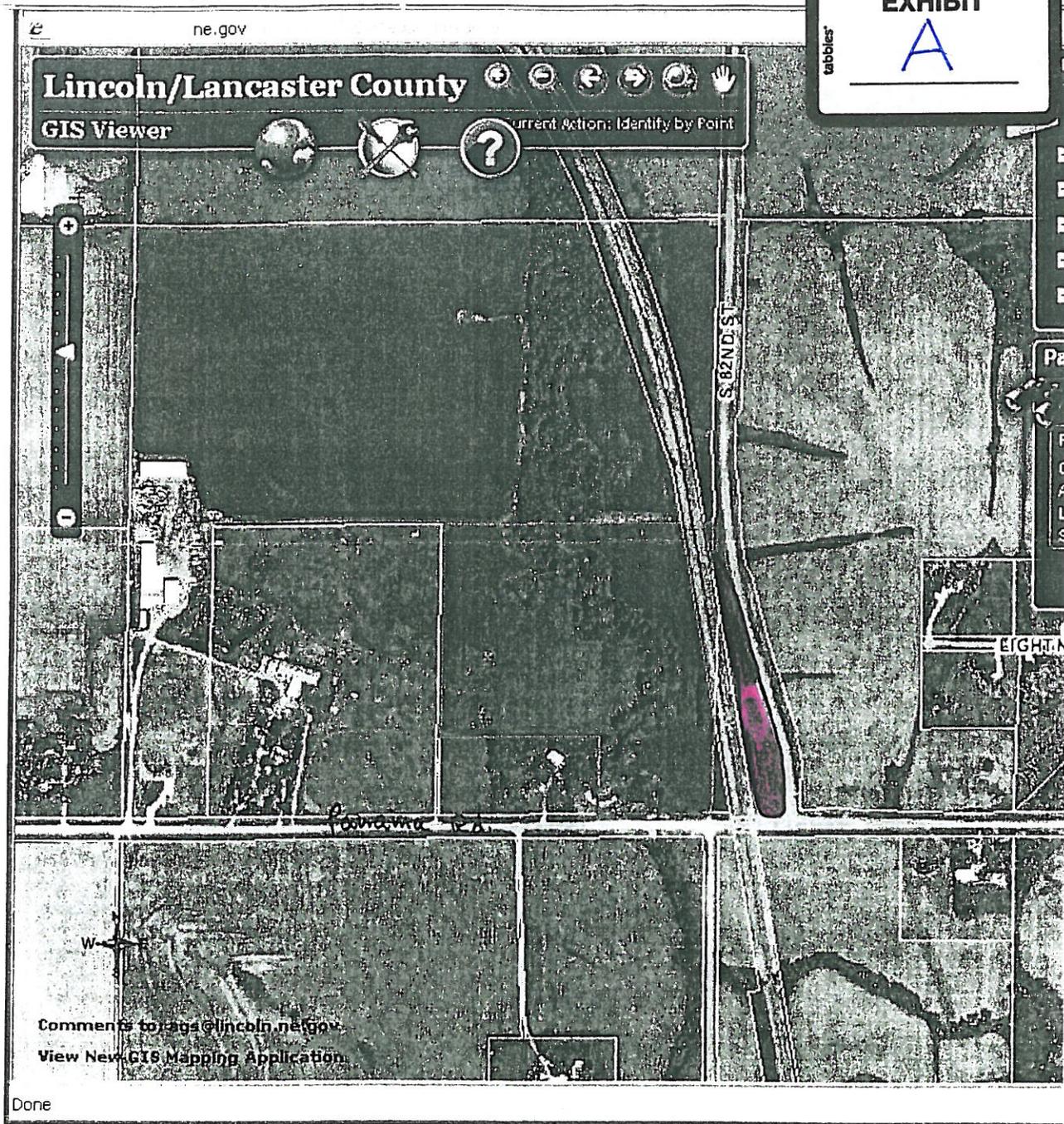
### 14 ADJOURNMENT

**MOTION:** Heier moved and Smoyer seconded to adjourn the meeting at 10:40 a.m. Hudkins, Smoyer, Raybould, Heier and Schorr voted aye. Motion carried 5-0.



Dan Nolte  
Lancaster County Clerk





6-27-12

MR Don Thomas

Would like to purchase this piece of Land Located at 82nd and Panama Rd. The strip in pink we own land in 3-7-7 SOUTH PASS, THIS strip is between BN RR TRACKS and 82nd street. please let me know THANK YOU

Dan Post  
 4050 SO. 39th  
 Lincoln, Ne 68506  
 Phone 402-450-9906

RECEIVED

JUN 28 2012

LANCASTER COUNTY  
 ENGINEERING DEPT.

LOT 44 I.T.  
(Kirk Helmink)

REMAINING PORTION  
OF LOT 30 I.T.  
(Daniel Post)

SECTION 3  
T-7-N, R-7-E  
SE 1/4

SECTION 2  
T-7-N, R-7-E  
SW 1/4

OUTLOT "A"  
HOLLAND ACRES  
(Daryll Lightner)

LOT 41 I.T.  
(Daniel Post)

BURLINGTON NORTHERN RAILROAD

(Relocated)

HOLLAND ACRES BOUNDARY AS ORIGINALLY PLATED

S. 82nd ST.

(Daryll Lightner)

LOT  
64  
I.T.

50' 50' 33' 50'

PANAMA RD.

50'  
50'

S. 82nd ST.



1 inch = 150 feet



7/6/2012 MBM

