

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, APRIL 7, 2015**  
**10:30 A.M.**

*Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on April 3, 2015.*

Commissioners present: Roma Amundson, Chair; Larry Hudkins, Vice Chair; Bill Avery, Deb Schorr and Todd Wiltgen

Others present: Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; Brittany Behrens, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Kelly Lundgren, County Clerk's Office

*The Chair called the meeting to order at 10:30 a.m., the pledge of allegiance was recited and the location of the Nebraska Open Meetings Act was announced.*

**1) MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 31, 2015.**

**MOTION:** Hudkins moved and Wiltgen seconded approval of the minutes. Avery, Hudkins, Schorr, Wiltgen and Amundson voted aye. Motion carried 5-0.

**2) CLAIMS: Approval of all claims process through April 7, 2015.**

**MOTION:** Schorr moved and Hudkins seconded approval of the claims. Hudkins, Schorr, Wiltgen, Avery and Amundson voted aye. Motion carried 5-0.

**3) PUBLIC HEARINGS:**

**A. Class I liquor license for Engine House Café on the Lake, LLC, d/b/a Boat House Bar & Grill, 10005 W Davey Road, Raymond, NE.**

The Chair opened the public hearing.

Roger Pletcher, Engine House Café Manager, was administered the oath. Pletcher informed the Board he has had many years of experience in all aspects of the food service business. This would be a second location at Branched Oaks Lake. Pletcher indicated that the staff is participating in the hospitality training.

No one appeared in opposition or in a neutral position.

The Chair announced that the public hearing will remain open for one week at which time the Board will take action on the license.

**PUBLIC HEARINGS CONTINUED:**

**B. County Special Permit No. 15006, a request from PJB Farms, LLC, to develop the Coyote Ridge Community Unit Plan on property generally located at N.W. 70<sup>th</sup> Street and W. Rock Creek Road.**

The Chair opened the public hearing.

Sara Hartzell, Planner II, was administered the oath. Hartzell reviewed the project at Northwest 70<sup>th</sup> Street and Rock Creek Road. She stated the project includes plans for nine dwelling units. Hartzell indicated this came before the Board for finalization, as opposed to the Planning Commission as normal procedure with a Community Unit Plan (CUP), due to the block length waiver. Hartzell said the Planning Commission voted unanimously at the March 18<sup>th</sup> meeting to recommend approval of this application.

Dan Rosenthal, Rega Engineering, was administered the oath and spoke in favor of the application. He addressed the concern of storm water runoff and felt that the ditches effectively handle it. In regards to the test well, the Health Department requires five gallons per minute capacity for water wells and this particular well tested at 30 gallons per minute. He informed the Board he had visited with Sante Fe Railroad officials about the safety concerns with the railroad crossing and they could perform a diagnostic review of the site.

Eugene Benes, 12500 West Agnew Road, Valparaiso, was administered the oath. He noted current irrigation wells are located in close proximity to the property and felt that nine additional housing units would not considerably increase the water usage or traffic.

Donald Olson, 318 County Road 29, Valparaiso, was administered the oath and appeared in opposition of the project. Olson submitted a petition signed by current residents that did not receive letters regarding the project (Exhibit A). He noted concern of water availability, storm water runoff, and traffic safety.

Elaine Olson, 318 County Road 29, Valparaiso, was administered the oath and appeared in opposition of the project. She thanked the Board for taking the time to listen to their concerns as well as visiting the site.

Sharon Kratochvil, 19000 N.W. 84<sup>th</sup> Street, Raymond, was administered the oath and appeared in opposition of the project. She said she has lived on her property fifty years and has dug three wells during that time. Her concern is the water availability for both inside and outside use.

John C. Benes, 7704 W. Davey Road, Raymond, was administered the oath and appeared in opposition of the project. He had multiple concerns with the project including water availability, storm runoff and erosion, septic systems and increased traffic. Benes referred to the regulations and requirements for use of wetlands and agricultural land entrance access.

John Osmera, 20401 N.W. 70<sup>th</sup> Street, Raymond, was administered the oath and appeared in opposition of the project. He stated that it took multiple tries to find a decent well on his property. Osmera noted that this is actually a Union Pacific railroad track, not Sante Fe, and it is used at least twice daily. He is concerned about the quality of the roads and the impact of increased traffic. He

## **PUBLIC HEARINGS CONTINUED:**

informed the Board that a soil percolation test was performed on his property but it was not appropriate for an underground septic system and required a lagoon.

Larry Bos, 20655 N.W. 70<sup>th</sup> Street, Raymond, was administered the oath and appeared in opposition of the project. He commented that his well would not support agriculture or livestock. Bos said he was also concerned with the increased traffic and water usage.

Mary Barry, 18700 N.W. 70<sup>th</sup> Street, Raymond, was administered the oath and appeared in opposition of the project. Her concern is additional developments being built and the water availability and quality.

Charles Barry, 17800 N.W. 70<sup>th</sup> Street, Raymond, was administered the oath and appeared in opposition of the project. He noted that use of irrigation does affect the water availability and he self regulates his irrigation for this reason.

Andy Barry, 2906 Summit Boulevard, Lincoln, was administered the oath and appeared in opposition of the project. He noted he owns property in this area and thanked the Board for considering the concerns of the residents. He noted the uncertainty of water in the area. Barry is also concerned that there is not enough information and that further studies should be conducted.

Schorr left the meeting at 11:45 a.m.

John Chess, Lincoln-Lancaster County Health Department, Environmental Health Supervisor, was administered the oath. He confirmed that three-acre lots were required to accommodate a lagoon system. Prior to a building permit being issued an installer, certified by the Health Department and the State of Nebraska, will identify the appropriate size and location of the system. Chess stated that when a subdivision request is presented to the Health Department, they look at the test well and the surrounding well for pumping capacities. He felt the area can accommodate the additional nine households. It was noted that property owners are always encouraged to drill a well prior to obtaining a building permit. Chess said the Health Department does not attempt to predict the impact of water usage due to individual landowner uses.

Allan Moser, Moser Well Drilling, was administered the oath. He stated there are many variables in water availability and quality so it is difficult to rely on information from current residents. It is also possible that drilling companies, not familiar with the geology of Lancaster County, could have drilled wells which could affect the water level. Moser noted that until 1993 it was not a requirement to register wells so there is no pumping information available on older ones. He said based on the information provided by the State of Nebraska regarding well registrations, this area should have adequate water availability.

Ken Schroeder, County Surveyor, was administered the oath. He informed the Board that the traffic counts in the area have been low and there are no immediate plans to redo those county roads. He said there will be more farm accesses allowed than in normal developments. Schroeder commented that the County does maintain those roads and will continue to do so.

Brittany Behrens, Deputy County Attorney, was administered the oath. She answered the Board's concerns regarding their legal authority to consider water issues when making their decision. She

## **PUBLIC HEARINGS CONTINUED:**

informed the Board that legal issues are between individual landowners and she was not aware of any legal action in Nebraska brought against a county board for approving a community unit plan based on water use. Behrens told the Board the reason the special permit was before them was because the Planning Commission could not take final action due to the block length waiver request, thus, the entirety of the special permit is before the County Board.

The Chair closed the public hearing.

Amundson said the public could submit additional documents or information for the Board's consideration. She also asked that additional discussion be scheduled at the April 9, 2015 Staff meeting. At that time, the Board can instruct the County Attorney's office to prepare a resolution for action on April 14, 2015.

**NOTE:** The following related documents were also provided to the County Clerk's Office:

1. Area maps (Exhibit B)
2. Letter of opposition from Andre Barry (Exhibit C)
3. Email of opposition from John and Nancy Osmera (Exhibit D)

### **4) NEW BUSINESS:**

#### **A. Recommendation from the Personnel Policy Board to create the classification of Pre Adjudication Specialist.**

Doug McDaniel, Human Resources Director, informed the Board that the personnel recommendations on the agenda today are the result of two departments merging. Temporary personnel are currently performing the duties in this position. Upon approval he said the job will be posted as a full time, permanent position. Avery inquired how this job was performed prior to the hiring of temporary staff. Sara Hoyle, Human Services Director, indicated that previously this position was contracted with Probation. Due to legislative changes it became the responsibility of the County. She added the funding for this position comes from community aid.

**MOTION:** Hudkins moved and Wiltgen seconded approval of the recommendation. Wiltgen, Avery, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.

#### **B. Recommendation from the Personnel Policy Board to revise the classification and change the pay grade of the Juvenile Justice Coordinator.**

McDaniel explained the classification was revised and the pay scale lowered as Sara Hoyle, Human Services Director, previously held the position and upon her promotion continues to perform some of the responsibilities.

**MOTION:** Hudkins moved and Wiltgen seconded approval of the recommendation. Wiltgen, Hudkins, Avery and Amundson voted aye. Schorr was absent. Motion carried 4-0.

**NEW BUSINESS CONTINUED:**

- C. Recommendation from the Personnel Policy Board to revise the classification, class title, and pay grade of the General Assistance Deputy Director.**

McDaniel noted the position title will be General Assistance Officer. It will no longer be an appointed position but moved to a classified status.

**MOTION:** Avery moved and Hudkins seconded approval of the recommendation. Hudkins, Avery, Wiltgen and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- D. Recommendation from the Personnel Policy Board to revise the classification of Equipment Operator II.**

**MOTION:** Hudkins moved and Wiltgen seconded approval of the recommendation. Hudkins, Wiltgen, Avery and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- E. Lease termination agreement with Goodwill Industries Serving Southeast Nebraska, Inc. (C-15-0165)**

**MOTION:** Hudkins moved and Wiltgen seconded approval of the termination agreement. Avery, Wiltgen, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- F. Quitclaim deed from Lancaster County to Goodwill Industries Serving Southeast Nebraska, Inc. for Lots 6 and 7, Block 1, Cornhusker Industrial Plaza, Lincoln, Lancaster County, Nebraska.**

**MOTION:** Wiltgen moved and Hudkins seconded approval of the quitclaim deed. Wiltgen, Hudkins, Avery and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- G. General assignment and bill of sale from Lancaster County to Goodwill Industries Serving Southeast Nebraska, Inc.**

**MOTION:** Wiltgen moved and Avery seconded approval of the general assignment and bill of sale. Avery, Hudkins, Wiltgen and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- H. Grant contract with the Family Violence Council to provide funding in the amount of \$70,958 for "Improved Legal Advocacy Relating to Protection Orders and Immigrants in Lancaster County" project. Term of the contract is October 1, 2014 to September 30, 2017. (C-15-0166)**

**MOTION:** Hudkins moved and Avery seconded approval of the contract. Hudkins, Avery and Amundson voted aye. Wiltgen abstained. Schorr was absent. Motion carried 3-0 with one abstention.

**NEW BUSINESS CONTINUED:**

- I. Grant contract with Lancaster Prevention Coalition to provide funding of \$13,783 to provide services to reduce underage drinking in Lancaster County. Term of the contract is April 1, 2015 to March 31, 2016. (C-15-0167)**

**MOTION:** Wiltgen moved and Hudkins seconded approval of the contract. Avery, Wiltgen, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- J. Utility permit No. 1265 for Windstream Nebraska, Inc., to perform cable relocation associated with Box Culvert "M-102" construction on West Adams Street east of NW 84<sup>th</sup> Street. (C-15-0168)**

**MOTION:** Avery moved and Hudkins seconded approval of the utility permit. Avery, Hudkins, Wiltgen and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- K. Utility permit No. 1266 for Windstream Nebraska, Inc., to perform cable relocation associated with Culvert "Q-318" construction on Pioneers Boulevard east of South 138<sup>th</sup> Street. (C-15-0169)**

**MOTION:** Avery moved and Wiltgen seconded approval of the utility permit. Hudkins, Wiltgen, Avery and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- L. Utility permit No. 1267 for Windstream Nebraska, Inc., to perform cable relocation associated with Culvert "Q-7" construction on Pioneers Boulevard east of South 120<sup>th</sup> Street. (C-15-0170)**

**MOTION:** Wiltgen moved and Hudkins seconded approval of the utility permit. Wiltgen, Avery, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- M. Utility permit No. 1268 for Windstream Nebraska, Inc., to perform cable relocation associated with Culvert "Q-4" construction on South 120<sup>th</sup> Street north of Pioneers Boulevard. (C-15-0171)**

**MOTION:** Avery moved and Wiltgen seconded approval of the utility permit. Wiltgen, Avery, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- N. Utility permit No. 1269 for Windstream Nebraska, Inc., to perform cable replacement on Panama Road in the unincorporated Village of Holland. (C-15-0172)**

**MOTION:** Avery moved and Wiltgen seconded approval of the utility permit. Avery, Hudkins, Wiltgen and Amundson voted aye. Schorr was absent. Motion carried 4-0.

**NEW BUSINESS CONTINUED:**

- O. Interlocal agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Lancaster County, on behalf of the Lancaster County Corrections Community Service Program, to conduct roadside litter pickup along County roads by inmates. The City will pay the County based on \$50 per mile of roadside litter pickup not to exceed \$7,000 for the period of May 1, 2015 to December 31, 2015. Depending on available funding, the parties may agree in writing to provide an additional \$3,500 in funding. (C-15-0173)**

**MOTION:** Avery moved and Hudkins seconded approval of the agreement. Hudkins, Wiltgen, Avery and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- P. Agreement with the Board of Regents on behalf of the University of Nebraska-Lincoln to conduct tractor safety training on April 29, 2015 for the Lancaster County Department of Corrections. The County will pay \$70 per participant for the training. (C-15-0174)**

**MOTION:** Hudkins moved and Wiltgen seconded approval of the agreement. Wiltgen, Avery, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- Q. Agreement between The Bridge Behavioral Health for substance abuse evaluations and abuse education classes for inmates in the custody of the Lancaster County Jail. The County will pay \$150 per evaluation for a maximum of three evaluations per month and \$100 per substance abuse education class. Term of the contract is March 1, 2015 to February 28, 2017. (C-15-0175)**

The item was held pending additional budget information.

- R. Amendment to County Contract C-14-0094 with Heartland Big Brothers Big Sisters for implementation of a juvenile offender reentry program. The amendment extends the grant term and increases the contract amount by \$11,030 for the extension period. (C-15-0176)**

**MOTION:** Avery moved and Hudkins seconded approval of the amendment. Hudkins, Avery and Amundson voted aye. Wiltgen abstained. Schorr was absent. Motion carried 3-0 with one abstention.

- S. Amendment to County Contract C-11-0169 with Dell Marketing, L.P., for computer equipment, peripherals and related services. The amendment removes Lancaster County and the Public Building Commission as parties to the contract. (C-15-0177)**

Avery questioned why Lancaster County was being removed from the contracts. Brittany Behrens, Deputy County Attorney, explained that the contracts would be going out for bid and the County and Public Building Commission would not be purchasing any items for the remainder of the contract period.

**NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Wiltgen seconded approval of the amendment. Hudkins, Avery, Wiltgen and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- T. Amendment to County Contract C-11-0094 with Hewlett-Packard Co. for computer equipment, peripherals and related services. The amendment removes Lancaster County and the Public Building Commission as parties to the contract. (C-15-0178)**

**MOTION:** Hudkins moved and Wiltgen seconded approval of the amendment. Hudkins, Avery, Wiltgen and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- 5) CONSENT ITEM: These are routine business items that are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:**

- A. Receive and place on file the following reports for March, 2015:**

- 1. Clerk of the District Court**
- 2. County Clerk**
- 3. Records & Information**
- 4. Lancaster County Assessor/Register of Deeds**

- B. Right of Way Contracts:**

- 1. Diane K. Matzner, North 56<sup>th</sup> Street & Little Salt Road, in the amount of \$30.00. (C-15-0179)**
- 2. Ronald G. and Karen J. Essink, Co-Trustees, South 134<sup>th</sup> Street & Panama Road, in the amount of \$3,298.00. (C-15-0180)**
- 3. Robert C. and Gloria Brockley, North 56<sup>th</sup> Street & Little Salt Road, in the amount of \$70.00. (C-15-0181)**

Per the County Engineer's request, item B-2 was withdrawn from the agenda.

**MOTION:** Wiltgen moved and Hudkins seconded approval of the consent items. Avery, Wiltgen, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.

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

Coby Mach, Lincoln Independent Business Association (LIBA) President, informed the Board that he, along with Ann Post, LIBA Legal Counsel, are requesting the Board to reconsider tentative opposition to LB132. (Change joint public agency bonding powers and procedures.)

## **PUBLIC COMMENT CONTINUED:**

Post explained how a Joint Public Agency (JPA) is created by government agencies to work together to use their resources more effectively. Post referred to a "loophole" which gives more authority to JPA's by not requiring a public vote for the issuance of general obligation bonds paid for by property taxes. LB132 closes this loophole and requires voter approval when a JPA issues bonds.

Avery asked if an amendment could be included which would not require a public vote to refinance existing bonds. Mach said they would visit with Senator Ebke about an amendment. Hudkins questioned when it might be available. Post told the Board they would work with the County Attorney's office to ensure the County's interest is represented.

Kerry Eagan, Chief Administrative Officer, commented that there were still some concerns with this bill and that the Board did not state a formal position on it at a recent staff meeting.

### **7) ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, April 9, 2015 at 8:30 a.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln).**
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, April 14, 2015, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln) with the Board of Equalization immediately following.**
- C. The Lancaster County Board of Commissioners will hold a Public Hearing on Tuesday, April 14, 2015, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln) regarding a request from Lancaster County Public Rural Transit for financial assistance from the Federal Transit Administration pursuant to the Federal Transit Act (FTA).**
- D. The County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).**

### **RETURNING TO ITEM 4Q**

Gwen Thorpe, Deputy Chief Administrative Officer, confirmed that the contract is funded by prevention dollars.

**MOTION:** Hudkins moved and Wiltgen seconded approval of the contract. Wiltgen, Avery, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.

- E. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday and Saturday on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on the internet at [lancaster.ne.gov](http://lancaster.ne.gov) under 5 City-TV, Video on Demand or 5 City-TV on YouTube.**

8) **ADJOURNMENT**

**MOTION:** Hudkins moved and Wiltgen seconded to adjourn the Lancaster Board of Commissioners meeting at 1:13 p.m. Wiltgen, Hudkins, Avery and Amundson voted aye. Schorr was absent. Motion carried 4-0.

*Dan Nolte*

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Dan Nolte, County Clerk







NEW  
PROPOSAL



**PRELIMINARY PLAN**  
NOT FINAL - SUBJECT TO CHANGE

P.I. STA. 416+09.80  
Δ = 7°03'02.61" Rt.  
T = 352.98  
L = 705.07  
R = 5729.58  
P.C. STA. 412+56.82  
P.T. STA. 419+61.90  
e = 2.6% (design)

SEC. 24 T12N-R5E

SEC. 13 T12N-R5E

STA. 418+87  
24" x 49" C.M. PIPE w/ HEADWALLS  
DA=N.A.AC, O=N.A.CFS, HW=N.A.  
Remove & Build 24" x 80'  
Culvert Pipe Type 2 w/ Flared  
End Sections.  
Plans 410-R3 & 411.  
Fill= --; Exc.=75 Cu. Yds.

Sta. 420+40  
D.A.=0.53mi, O=750cfs, H.W.=13.  
Build 12" x 12" x 216'  
Concrete Box Culvert on  
65° Skew RHB.  
Special Plan -- Fill= --;  
Exc.=1520 Cu. Yds.

Surface 4-Way Intersection.  
See Sheet 2-N.

Sta. 421+75  
Remove 422 Lim. Ft. of  
Guardrail.

Sta. 421+75  
Place 618 Tons Riprap.  
See Sheet 2-N.

POSSIBLE CHANNEL GRADING/  
WETLAND MITIGATION  
APPROX. AREA = 7 ACRES

DO NOT DISTURB  
DANK CREEK

DO NOT DISTURB  
DANK CREEK

Sta. 418+25 Rt.  
Build Earth Dike to  
Elev. 1243.61.  
See Sheet 2-N.

Sta. 418+50 TO  
Sta. 422+50 Lt.  
Remove 1067 Sq. Yds. of  
Asphalt Surface.

Sta. 421+75.22  
TWIN 12" x 7" x 36' CONC.  
BOX CULV.  
Remove

Sta. 430+50 Rt.  
Lay 24" x 70' Driveway  
Culvert Pipe, Type 2, 3, 4, 5,  
6, 7 or 8 & Build Earth Drive  
(40' Wide) on --% Grade &  
Surface. See Sheet 2-N.

+06.40  
1.34" Lt.

+35.63  
+49.87  
sign)

SEC. 24 T12N-R5E

P.C. STA. 412+56.82

50.0  
E.T.E.

STA. 418+50.00  
E.L. = 1,248.91

STA. 420+00.00  
E.L. = 1,249.20

STA. 423+50.00  
E.L. = 1,249.80

1270

1260

1250

1240

Surveyed Grade

+0.1933 %

+0.1714 %

1,249.87  
Prop. Grade



**Dave Heineman**  
Governor

**NEBRASKA**  
**DEPARTMENT OF ROADS**  
[www.transportation.nebraska.gov](http://www.transportation.nebraska.gov)

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**Dave Heineman**  
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April 6, 2015

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PAMELA EPP OLSEN  
TRENT R. SIDDESS  
ANDRE R. BARRY

Lancaster County Board of Commissioners  
555 S. 10th St.  
Lincoln, NE 68508

Dear County Commissioners:

I own farmland located one-half mile from the proposed Coyote Ridge development. I live in Lincoln, at 2906 Summit Boulevard, but I raise crops and cattle on this land and other land that my family owns near the proposed development. I write to oppose the proposed development.

The Coyote Ridge development should not be allowed to go forward, at least on the information currently available to the Board. It is well known that finding a supply of ample, good quality water for domestic use can be a problem in northwest Lancaster County. Employees of both the Planning Department and Lancaster County Health Department referred to that fact in proceedings before the Planning Commission. Neighbors from the area testified about the difficulty they have had in drilling adequate wells and the fact that water levels are dropping. Moreover, the developer's own well driller testified before the Planning Commission that the aquifer in this part of Lancaster County is closed, so that there will be no significant recharge of the aquifer as water is removed from it. In other words, this development can only worsen the problems with groundwater that already exist in this part of the county.

While the developer states the development will not affect nearby wells, that statement is based on a wish, not facts. The fact is that water usage from one well can adversely affect other wells. My family owns an irrigation well a little more than a mile south of the proposed development. The level of this irrigation well has dropped substantially in recent years, even though it has not been used for over 30 years.

The developer's well driller stated he believes there is plenty of water to support the development. There is no scientific study to support his

Lancaster County Board of Commissioners

April 6, 2015

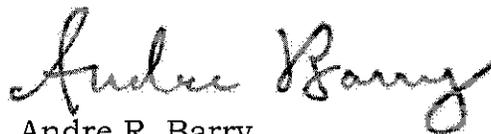
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statement. To the contrary, the Lancaster County Health Department has said it will not guarantee that houses within the proposed development will have enough water for domestic use. That does not consider other possible uses such as watering lawns. I realize that watering lawns is common practice in cities with a municipal water supply. It is not a common practice in the area of the proposed development.

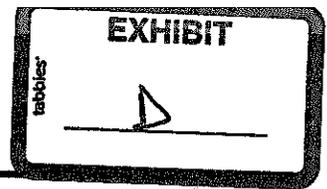
One argument that has been advanced in support of the proposed development is that the developer could simply drill an irrigation well instead. The possibility that someone might cause a worse problem by drilling an irrigation well without an adequate water supply does not justify allowing this development to go forward. In fact, the possibility that someone might dig an irrigation well on another part of the developer's property—which could still happen even if the Board approves this development—underscores the need to be careful in approving land uses that might unduly deplete water supplies. Approval of this development would put the County on a different path, one that includes the possibility of future conflicts between neighbors over groundwater use.

Water is already scarce in northwest Lancaster County, and it is getting scarcer. Under these circumstances, the developer ought to be required to show that his proposed use of the land will not harm neighboring landowners or unduly deplete the aquifer. Because the developer has not made such a showing, I respectfully request that the County Board deny his request for approval of the proposed development.

Very Truly Yours,

A handwritten signature in cursive script that reads "Andre R. Barry". The signature is written in black ink and is positioned above the printed name.

Andre R. Barry



**Cori R. Beattie**

**From:** Gwen K. Thorpe  
**Sent:** Tuesday, April 07, 2015 9:58 AM  
**To:** Cori R. Beattie  
**Subject:** FW: Opposition to 4/7/15 Agenda Item - Special Permit No. 15006, Coyote Ridge Community Unit Plan (CUP) at Northwest 70th Street and W. Rock Creek Road

In case it's mentioned at today's public hearing - Gwen

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**From:** Minette M. Genuchi **On Behalf Of** Commish  
**Sent:** Tuesday, April 07, 2015 9:39 AM  
**To:** Bill Avery; Bill P. Avery; Deb E. Schorr; Deb Schorr (debschorr@aol.com); Roma Amundson; Roma B. Amundson; Todd J. Wiltgen; Todd Wiltgen  
**Cc:** Kerry P. Eagan; Gwen K. Thorpe  
**Subject:** Opposition to 4/7/15 Agenda Item - Special Permit No. 15006, Coyote Ridge Community Unit Plan (CUP) at Northwest 70th Street and W. Rock Creek Road

Hardcopy – Larry H

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**From:** Nancy Osmera [<mailto:inosmera@hotmail.com>]  
**Sent:** Tuesday, April 07, 2015 9:20 AM  
**To:** Commish  
**Subject:** Opposition to 4/7/15 Agenda Item - Special Permit No. 15006, Coyote Ridge Community Unit Plan (CUP) at Northwest 70th Street and W. Rock Creek Road

April 7, 2015

Lancaster County Board of Commissioners  
County-City Building  
555 South 10th Street, Room 110  
Lincoln, NE 68508

Dear Commissioners:

We are writing you to express our opposition to Special Permit No. 15006, Coyote Ridge Addition Community Unit Plan (CUP) at Northwest 70<sup>th</sup> Street and West Rock Creek Road.

We live approximately 150 yards from the proposed development. We have 30 acres and have lived here for nine years. When we were purchasing the land, we attempted to drill a well. It took us multiple tries to find material we felt was acceptable and would provide ample water for residential purposes. Concerns about the availability of water in this area are very genuine.

We have some points that we would like to dispute from the planning commission meetings as well as provide some interesting facts that were not discussed.

Mr. Moser of Moser Well came before the Planning Commission and stated that water should be good. Mr. Moser has a vested interest in the plan moving forward because more than likely he will be drilling some if not all of the wells for the development. Mr. Moser implied that somehow since he has drilled wells in the area that his wells are always more successful. We have enough knowledge about wells and well drilling to know that everyone drills their wells using the same technology and techniques. He stated that we used an irrigation well company and they don't know what they are doing. That seems more than slightly absurd to say that just because a company has irrigation in their name that they

are less knowledgeable about a residential well. The facts are that we drilled multiple holes in multiple locations at multiple depths before finding our current well. He stated we didn't drill deep enough. Our well is around 110 feet or so but we did a test hole that surpassed the 300 foot mark and it was not successful because below the 120 or so foot mark there was not any material to support a good water supply. A good producing well should have some gravel or sand as that is what holds the water. Our well has what is known as a fine sand which is not a good conduit for water. We use our water very conservatively. We do not water our lawn and we have landscaping that doesn't require water strictly out of concern for our water supply.

Mr. Benes stated at the first hearing that he lives in the area and has no water issues. He lives several miles away from the development. Whereas, residents within one mile of the proposed development have all expressed concerns about water. Mr. Benes stated that this was the first he was hearing of any water issues, I find that hard to believe. I am also very confident that Mr. Benes never approached any of the residents close to the proposed development and inquired about the water supply.

Mary Barry, who lives less than mile straight south of the development, testified at the second hearing and she said that they have an irrigation well located on her property and that it hasn't been used for 30 years. She stated, "The NRD checks it regularly. Since it was drilled, the water level has fallen 25 feet." That is a concern to us if the water level has fallen. They don't use the irrigation well because it affects their water in their home and of those surrounding the area. If the water level has fallen, how can it be a good idea to add more active wells to the area?

Bob Cadek located just a half mile from the proposed development stated that his well appeared to be popping with air just from trying to water a very small area he seeded. No one in our area has underground sprinklers out of concern.

At the second hearing of the Planning Commission as stated in the minutes, Mr. Rosenthal met "with Burlington Northern Santa Fee Railroad last week" about the railroad crossing on Rock Creek Road. If he met with BNSF it doesn't matter considering the track is a Union Pacific track. So, can we believe that he actually met with someone and that something will be done?

Also according to the meeting minutes of March 18, 2015, "Hove asked Mr. Chess if he might be aware of why some existing property owners may be having issues with their wells. Chess indicated that this is pretty typical of Lancaster County; it is not unusual." According to Mr. Chess, Water Quality Supervisor at the Lincoln-Lancaster County Health Department, it is not unusual to have issues with wells, so why would we want to risk further issues by adding nine more wells pumping in an area that already has concerns.

My wife drives NW 70<sup>th</sup> and Rock Creek Road every week day on her commute to Lincoln. Currently Rock Creek Road is inadequate to handle the additional traffic that will travel it daily. The road isn't wide enough to accommodate vehicles meeting at the hilltops and we personally have had some near misses. My research has shown that Rock Creek Road is only 48 foot wide where as a county road built to county specifications is 60 foot wide. I know it has been suggested that the residents of the proposed development will drive a half mile north to Agnew and Agnew Road to start their commute to Lincoln. Considering we live right where this development will be and we never go out of our way to get to Lincoln I find it hard to believe anyone else will either. The majority of the traffic will use Rock Creek Road which was not built to sustain the amount of traffic that this development will create.

The Raymond Town Board has denied proposed developments in their jurisdiction based on water concerns. Raymond has had issues with providing ample water to their residents and they have had to dig additional wells since the wells they have are marginal.

I have spoken to multiple residents in this area and everyone is concerned what this many more wells will do to the water table. I know Mr. Moser and Mr. Chess spoke on this but even they stated that no one can predict what additional wells will do to the water table. We do know that adding additional wells to an already stressed water table is not going to be beneficial to anyone. The concerns are genuine and more residents would attend these meetings if not for conflicts.

If you have read all the minutes from the Planning Commission meetings you will see that everyone located anywhere near this proposed development has had issues with being able to find a reliable source of water. Allowing nine more wells in close proximity appears to put them and everyone else in the area in jeopardy of not having ample water. I have to ask the question of who is liable if the board approves this development and there is a water issue. Does the liability fall back on the county since they approved it based on very limited data and the testimony of a well digger that has a vested interest and now the property and dwellings are useless because they have no water. Based on all the information we have provided you, we urge you to oppose this development.

Thank you for your consideration.

John Osmera  
20401 NW 70<sup>th</sup> Street  
Raymond, NE 68428  
(402) 440-5311  
[inosmera@hotmail.com](mailto:inosmera@hotmail.com)

Nancy Osmera  
20401 NW 70<sup>th</sup> Street  
Raymond, NE 68428  
(402) 540-8895  
[inosmera@hotmail.com](mailto:inosmera@hotmail.com)

**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, APRIL 7, 2015**  
**IMMEDIATELY FOLLOWING THE LANCASTER COUNTY**  
**BOARD OF COMMISSIONERS MEETING**

*Advance public notice of the Board of Equalization meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on April 3, 2015.*

Commissioners present: Roma Amundson, Chair; Larry Hudkins, Vice Chair; Bill Avery and Todd Wiltgen

Commissioner absent: Deb Schorr

Others present: Scott Gaines, Deputy Assessor/Register of Deeds; Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; Brittany Behrens, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Kelly Lundgren, County Clerk's Office

*The Chair called the meeting to order at 1:13 p.m., and the location of the Nebraska Open Meetings Act was announced.*

**1) MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 31, 2015.**

**MOTION:** Wiltgen moved and Hudkins seconded approval of the minutes. Avery, Hudkins, Wiltgen and Amundson voted aye. Schorr was absent. Motion carried 4-0.

**2) ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS: (See attached additions and deductions)**

**MOTION:** Hudkins moved and Wiltgen seconded approval of the additions and deductions. Hudkins, Wiltgen, Avery and Amundson voted aye. Schorr was absent. Motion carried 4-0.

**3) PUBLIC HEARING:**

**A. Motor Vehicle Tax Exemption Applications**

**Christian Church (Disciples of Christ) in Nebraska**  
**Sisters of Mary, Queen of Mercy**

The Chair opened the public hearing.

No one appeared to testify in support, opposition or in a neutral position.

The Chair closed the public hearing.

**PUBLIC HEARING CONTINUED:**

**MOTION:** Wiltgen moved and Hudkins seconded approval of the exemptions. Wiltgen, Avery, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.

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

No one appeared for public comment.

**5) ADJOURNMENT**

**MOTION:** Wiltgen moved and Hudkins seconded to adjourn the Lancaster County Board of Equalization meeting at 1:16 p.m. Wiltgen, Avery, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.

*Dan Nolte*

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Dan Nolte, County Clerk

