

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, APRIL 19, 2016
9:00 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 15, 2016.

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

Others present: Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; David Derbin, 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 9:00 a.m., the pledge of allegiance was recited and the location of the Nebraska Open Meetings Act was announced.

1) MINUTES:

A. Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 12, 2016.

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

B. Approval of the minutes of the Board of Commissioners tour of Purchasing and Records and Information Management held on Tuesday, April 12, 2016.

MOTION: Hudkins moved and Avery seconded approval of the minutes. Hudkins, Wiltgen, Avery and Amundson voted aye. Schorr abstained. Motion carried 4-0 with one abstention.

2) CLAIMS: Approval of all claims process through April 19, 2016.

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

3) PUBLIC HEARING:

A. Class K liquor license application for Hillcrest Country Club, 9401 O Street, Lincoln, Nebraska. (See correlating items 5A and 5B)

The public hearing was continued from last week.

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

The Chair closed the public hearing.

The Board took action on correlating new business items 5A and 5B.

4) OLD BUSINESS:

A. Amusement license application from NRG Media, LLC to hold an outdoor music concert (Frog Fest) on August 20, 2016 at BlueStem Tree Farm, LLC, 5895 West Sprague Road, Crete, Nebraska.

Ami Graham, NRG Media General Manager, said this is the fourth year that Frog Fest will be held at BlueStem Farm and the event is open to all ages. She stated that NRG Media continues to look for ways to improve all aspects of the event. Graham added they work closely with the Lancaster County Sheriff's Office and implement any additional recommendations in order to provide a safe environment for concertgoers and residents. She said the changes implemented this year include scheduling the event for Saturday and placing traffic signs. Graham stated that NRG Media works with the local businesses whenever possible and proceeds from parking fees are donated to a local charity. It was also noted that tailgating prior to the concert is not allowed.

Graham read a letter from Dr. Steve Martin, BlueStem Farm, who was unable to attend the meeting. (Exhibit A)

In response to Schorr's inquiry regarding emergency procedures and event staffing, Graham answered that deputies from the Lancaster County Sheriff's Office are on site as well as local volunteer Fire and Rescue Units. Brooke Schulz, NRG Media Director of Marketing, stated approximately fifty to seventy-five staff members are on hand to assist with tickets, parking, trash collection and security.

Wiltgen asked what procedures are in place to prevent underage drinking. Schulz said all the bartenders hired have participated in the responsible hospitality training course and are experienced. She stated IDs are checked and wristbands are placed on those individuals 21-years-old and over. Schulz added that security personnel is present in the crowd throughout the event.

Hudkins read a letter of objection from Gerard Harbison that was included in the agenda packet. He asked what can be done to alleviate the concerns of the neighbors. Schulz said that increased security will be available and a more visible pathway will be maintained from the concert to the nearby campground.

In response to Avery's question as to the number of complaints received, Schulz said she has received three letters with concerns and four to five letters in support of the event.

Amundson noted the comments received reiterate the same complaints including drunkenness, disorganized parking, loud noise, trash and failure to abide by covenants. She asked what assurance can be given that these issues will not continue. Graham said all trash is picked up by 10 a.m. the following morning. She stated they have increased security to help with the parking and traffic control. Graham said that the stage will be repositioned this year to face away from the neighbors having the greatest concerns.

Wiltgen inquired if the number of citations issued are monitored. Terry Wagner, County Sheriff, introduced Captain Ben Houchin who is the coordinator for event security. Houchin stated that no

OLD BUSINESS CONTINUED:

citations have been issued in the past directly related to the event. He said there is also a procedure in place to handle individuals that appear intoxicated.

Tom Cajka, Lincoln-Lancaster Planning Department, stated the only zoning requirement is the limit of one event per year.

Don Hinds, 19080 Southwest 58th Street, Hallam, Nebraska, appeared in opposition of the event. He read a letter that he submitted to the County Clerk's Office in 2015.

Sara Hinds, 19080 Southwest 58th Street, Hallam, Nebraska, appeared in opposition of the event.

Amber Bailey, 18770 Southwest 66th Street, Hallam, Nebraska, appeared in support of the event.

MOTION: Wiltgen moved and Schorr seconded approval of the amusement license application. Wiltgen, Avery, Hudkins, Schorr voted aye. Amundson voted no. Hudkins stated that he would like to change his vote to no. Motion carried 3-2.

5) NEW BUSINESS:

- A. Class K liquor license application for Hillcrest Country Club, 9401 O Street, Lincoln, Nebraska.**

MOTION: Avery moved and Hudkins seconded to direct the Deputy County Attorney to draft a resolution in the matter of the Class K liquor license for Hillcrest Country Club. Wiltgen, Schorr, Hudkins, Avery and Amundson voted aye. Motion carried 5-0.

- B. Special designated license applications from Hillcrest Country Club, 9401 O Street, Lincoln, Nebraska for events to be held on June 12, June 19, July 10, July 17, August 14 and October 2, 2016.**

MOTION: Schorr moved and Wiltgen seconded approval of the applications contingent on approval of the Class K liquor license. Schorr, Hudkins, Avery, Wiltgen and Amundson voted aye. Motion carried 5-0.

- C. Special designated license application from Meier's Wine, Inc. d/b/a Meier's Cork N' Bottle for a reception to be held on May 6, 2016 at Westview Bed and Breakfast, 7000 Northwest 27th Street, Lincoln, Nebraska.**

Kevin Meier, Meier's Wine, said the event is a wedding reception for approximately 150-200 people.

Tom Cajka, Lincoln-Lancaster Planning Department, stated the venue would meet the zoning requirements due to a special permit for historical preservation which allows wedding events as an accessory use.

MOTION: Schorr moved and Avery seconded approval of the special designated license application. Avery, Wiltgen, Schorr and Amundson voted aye. Hudkins voted no. Motion carried 4-1.

NEW BUSINESS CONTINUED:

D. Special designated license application from Meier's Wine, Inc. d/b/a Meier's Cork N' Bottle for a reception to be held on May 7, 2016 at Hillside Events, 12400 West Denton Road, Denton, Nebraska.

Cajka said the property is zoned agricultural with an existing house and having large events is in violation of the zoning code. He stated the property owners have submitted a special permit application. Cajka said a public hearing before the Planning Commission is scheduled on May 11, 2016. He noted the venue is a converted barn that the Building and Safety Department has not inspected or approved.

Terry Kathe, Building and Safety Manager, said building codes are involved when converting a barn into a social hall. He stated the owners are working with an architect and plans will then be submitted to Building and Safety. Kathe noted the Health Department has also contacted the owners regarding the septic system.

In response to Wiltgen's inquiry if he had any concerns, Meier answered they are a third party vendor and operate under the good faith assumption that venues are in compliance.

Tyler and Melissa Smith, Hillside Events, appeared to answer the Board's questions. Mr. Smith said they were unaware of the zoning requirements when they began renting the venue. He stated that he has done a majority of the work himself. Mr. Smith said the Fire Marshall will be doing an inspection today.

Wiltgen asked that the Smiths not schedule any additional events until the venue is properly zoned. Ms. Smith stated they are booked every Saturday until the end of July but would not take any additional requests until properly zoned.

Cajka stated the special permit will require the building to meet code requirements prior to approval by the Planning Commission and Board of Commissioners.

David Derbin, Deputy County Attorney, stated that the agenda item for approval is strictly the special designated liquor license. He said with regard to premise and licensing the Board would be insulated from liability unless it is reckless. Derbin said per the testimony just provided, there are definite safety concerns that could be deemed reckless. He noted the Board did approve a special designated license on April 12, 2016 for an event at this same venue. Derbin said the Board did not say zoning or planning requirements were being waived but felt today's conversation was starting to drift in that direction. Derbin advised the Board that it is questionable practice to start waiving building and safety codes and permitting. He added there is a process in place through the Planning Commission to properly address these concerns.

MOTION: Schorr moved to approve the special designated license application. Avery seconded with the caveat that some of the work is completed prior to the event.

Hudkins stated that he would not support the motion and will follow the County Attorney's advice. Schorr asked what the major safety factor is and could it be corrected.

NEW BUSINESS CONTINUED:

Kathe stated that a fire would be the greatest concern. He added that emergency lighting could also be an issue.

ROLL CALL: Avery, Wiltgen and Schorr voted aye. Hudkins and Amundson voted no. Motion carried 3-2.

Schorr exited the meeting at 10:30 a.m.

- E. Special designated license application from Ken's Liquor, Inc. for a reception to be held on May 21, 2016 at Hillside Events, 12400 West Denton Road, Denton, Nebraska.**

MOTION: Wiltgen moved and Avery seconded approval of the special designated license application. Wiltgen and Avery voted aye. Hudkins and Amundson voted no. Schorr was absent. Motion failed 2-2.

Schorr reentered the meeting at 10:33 a.m.

MOTION: Schorr moved and Hudkins seconded to reconsider Item 5E. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

Amundson asked for direction on Item 5E.

MOTION: Avery moved and Wiltgen seconded approval of the special designated license application. Wiltgen, Avery and Schorr voted aye. Hudkins and Amundson voted no. Motion carried 3-2.

- F. Special designated license application from Ken's Liquor, Inc. for a reception to be held on June 10, 2016 at Roca Ridge Events, 5265 Prairie Sage Drive, Roca, Nebraska.**

Kerry Eagan, Chief Administrative Officer, said this venue is located within the Village of Roca zoning jurisdiction. He stated it has been inspected but he was unable to speak with Dale Stertz who contracts with the Village of Roca for building inspections. Eagan said according to the Village Clerk the venue is authorized under their zoning guidelines.

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

- G. Special designated license application from WunderRosa, LLC for the Cattlemen's Ball of Nebraska on June 4, 2016 to be held at 26969 Homestead Expressway, Princeton, Nebraska.**

Linda Wunderlich, WunderRosa Winery, said she will be donating the wine that she is serving at the Cattlemen's Ball.

NEW BUSINESS CONTINUED:

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

- H. Special designated license application from WunderRosa, LLC, 2361 Wittstruck Road, Roca, Nebraska for events to be held on June 18, July 3 and September 7, 2016.**

Wunderlich stated the correct date in September is the 17th. She said all the events listed are being held at WunderRosa Winery.

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

- I. Interlocal agreement with the Village of Hallam for one Sheriff's deputy to provide law enforcement services within the corporate limits of the Village of Hallam. Term of the agreement is May 1, 2016 to April 30, 2017. (C-16-0179)**

Terry Wagner, County Sheriff, stated this is a longstanding contract providing dedicated law enforcement to the Village of Hallam on an as needed basis.

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

- J. Contract with Midwest Coatings Company, Inc., in the amount of \$102,150.15 for crack sealing bituminous pavement; Project 16-07, Bid No. 16-017. (C-16-0180)**

Pam Dingman, County Engineer, said crack sealing helps to preserve the roads and delays having to replace them.

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

- K. Utility Permit No. 1403 allowing Nebraska Link Holdings to place underground fiber optics communications cable from Northwest 126th Street and McKelvie Road to Northwest 112th Street and West Mill Road. There is no cost to the County. (C-16-0181)**

Jim Shotkoski, County Engineer, appeared and gave an overview of the areas involved in the placement and relocation of cables.

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

NEW BUSINESS CONTINUED:

- L. Utility Permit No. 1404 allowing Windstream Communications to perform cable relocation prior to construction in the area of North 27th Street (Arbor Road – Waverly Road). There is no cost to the County. (C-16-0182)**

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

- M. Recertification of computer matching agreement between the Social Security Administration and Lancaster County, on behalf of the Lancaster County General Assistance Office. The agreement provides the Lancaster County General Assistance Office with electronic access to Social Security Administration (SSA) information, records and data. The recertification extends the agreement from July 1, 2016 through June 30, 2017. There will be no cost to the County. (C-16-0183)**

MOTION: Avery moved and Hudkins seconded approval of the agreement. Avery, Hudkins, Schorr and Amundson voted aye. Wiltgen abstained. Motion carried 4-0 with one abstention.

- N. Agreement with Kapish North America Services, Inc., for professional HPRM telephonic consultation services. The County will pay at the rate of \$200 per hour up to \$5,000 for the services. Term of the agreement is 12 months from date of execution. (C-16-0184)**

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

- O. Contract between United Seeds, Inc., Lancaster County and the City of Lincoln for the annual supply of grass seed (Bid No. 16-069). Term of the contract is one year from date of execution. Cost to the County is not to exceed \$10,255. (C-16-0185)**

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

- P. Contract between Miller Seed Company, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual supply of grass seed (Bid No. 16-069). Term of the contract is one year from date of execution. Cost to the County is not to exceed \$125. (C-16-0186)**

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

- Q. Contract between Grass Pad, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual supply of grass seed (Bid No. 16-069). Term of the contract is one year from date of execution. The cost to the County is not to exceed \$267.25. (C-16-0187)**

NEW BUSINESS CONTINUED:

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

- R. Amendment to County Contract C-13-0271 between Regional Uniform & Supply and Lancaster County for the purchase of corrections uniform accessories on an as-needed basis. The amendment adds additional line items to the contract, with an estimated increase in expenditures of \$6,000 over the remaining term of the contract. (C-16-0188)**

Avery questioned if the items in Attachment A were omitted from the original contract or additions to the contract. Dave Derbin, Deputy County Attorney, stated that he did not have the original contract available at this time to answer that question.

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

- S. Amendment to County Contract C-16-0029 between Weathercraft Company and Lancaster County for roof replacement at Emerald and Roca County Maintenance Salt Domes (Bid No. 15-257). The amendment changes the completion date from April 15, 2016 to June 1, 2016. (C-16-0189)**

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

- T. Refund request of personal property tax from David Kovar.**

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended approval of the refund request. He stated that the items were reported by both the lessee and lessor, therefore, the property was double taxed.

MOTION: Hudkins moved and Wiltgen seconded approval of the refund based on the recommendation from the County Assessor/Register of Deeds Office. Avery, Wiltgen, Schorr, Hudkins and Amundson voted aye. Motion carried 5-0.

- 6) CONSENT ITEMS:** 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:**

- 1. County Attorney's Office quarterly report for January 1, 2016 to March 31, 2016.**
- 2. County Engineer's quarterly report for January to March, 2016.**

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

RETURNING TO ITEM 5F:

Eagan stated that he talked with Dale Sterz and was informed that not all inspections were complete although they are monitoring it. He said Sterz is comfortable with one event scheduled for June 10, 2016 but if further inspections reveal the venue does not meet the Village of Roca zoning regulations, it will be closed.

Schorr exited the meeting at 10:52 a.m.

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

No one appeared for public comment.

8) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, April 21, 2016 at 8:30 a.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10th Street, Lincoln).**
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, April 26, 2016 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) with the Board of Equalization immediately following.**
- C. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.**
- D. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesdays (1:30 p.m. and 7:00 p.m.), Wednesdays (12:00 a.m.-midnight) and Saturdays (3:30 p.m.) on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on the internet at lancaster.ne.gov under 5 City-TV, Video on Demand or 5 City-TV on YouTube.**

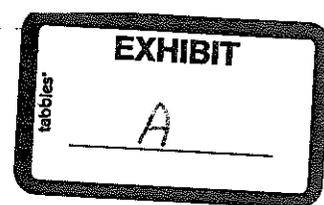
9) ADJOURNMENT

MOTION: Wiltgen moved and Hudkins seconded to adjourn the Lancaster County Board of Commissioners meeting at 10:58 a.m. Avery, Hudkins, Wiltgen and Amundson voted aye. Schorr was absent. Motion carried 4-0.

Dan Nolte

Dan Nolte, County Clerk





County Commissioners,

I apologize for not being present today, but I was unable to move around medical procedures/surgeries. Over the last 3 years we have been happy to bring to Lancaster County and nearby Sprague, a fun and exciting event to Blue Stem Farm. I am happy to be a part of this one day event that brings country fans, young and old, from all over the community to our property. This event is the only event like this at Blue Stem, and we have no intention of trying to replicate it. Along with our partners at NRG Media, Froggy 98, we work hard to make sure this event can be enjoyed in a safe environment.

I am proud for the ability to bring an alternative outdoor music venue that is affordable for the community. There are many people that make plans to attend the Frog Fest event and will travel into Lancaster County, spend money on gas, food and lodging, and that helps the county. We are also proud of the reputation the event has with the National promoters as we have learned they now highly recommend country acts to consider playing at this unique, and fun venue.

I partner with NRG Media because they have planned and executed other outdoor events for the community for the past several years and their experience allows us to make sure we are creating a special and memorable music event. As Frog Fest has grown in popularity, we have also grown our infrastructure to handle all aspects of the event to make it safe and fun, and this will continue to be our main focus.

I have appreciated the posts on social media, letters from neighbors in support of the event and all the kind words regarding Frog Fest over the years. I do understand that some of the neighbors have addressed some concerns with the event, and we work hard each year to address and take their concerns into consideration.

Thank you for your time,

A handwritten signature in black ink that reads "Steve Martin". The signature is fluid and cursive.

Dr. Steve Martin

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, APRIL 19, 2016
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 15, 2016.

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

Commissioner absent: Deb Schorr

Others present: Scott Gaines, County Assessor/Register of Deeds Office; Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; David Derbin, 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 10:58 a.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, April 12, 2016.

MOTION: Hudkins moved and Avery seconded approval of the minutes. Hudkins, Wiltgen, Avery 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: Wiltgen moved and Hudkins 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

Corporation of Presiding Bishop of the Church of Jesus Christ of Latter-day Saints
Lincoln Medical Education Partnership
St. Monica's Home
The Catholic Bishop of Lincoln
Union College
University of Nebraska Foundation

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.

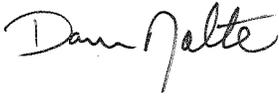
MOTION: Wiltgen moved and Avery seconded approval of the motor vehicle exemptions. Wiltgen, Avery, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.

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 11:01 a.m. Wiltgen, Avery, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.



Dan Nolte, County Clerk

