

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, APRIL 26, 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 22, 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: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 19, 2016.**

**MOTION:** Avery moved and Schorr 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 26, 2016.**

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

**3) NEW BUSINESS:**

**A. Resolution in the matter of an application for a Class K (catering) liquor license for Hillcrest Country Club located at 9401 O Street, Lincoln, Lancaster County, Nebraska. (R-16-0026)**

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

**B. Agreement with Kernel-Time Warner Cable Media (Kernel) for the purpose of authorizing Kernel to film a commercial on Lancaster County property located at South 14<sup>th</sup> Street and Rokeby Road within Wilderness Park on Saturday, May 7, 2016 from 7:00 a.m. until 5:00 p.m. (C-16-0190)**

Diana McPike, Kernel Production Account Manager/Producer, said the commercial is an advertisement for Urgent Care. She stated Dr. Donald Rice approached Kernel with an idea for the ad, which required an outdoor location.

**NEW BUSINESS CONTINUED:**

In response to Schorr's inquiry regarding the relationship of Kernel and Time Warner Cable Media, McPike said Time Warner Cable is the parent company and Kernel is the production division.

McPike stated while a fee is not required to secure the location. However, a donation will be made to the Parks and Recreation Foundation for the use of Wilderness Park.

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

**C. Setting the annual salary for Candace Meredith, Chief Deputy Lancaster County Treasurer, in the amount of \$83,850.31, effective April 28, 2016.**

Andy Stebbing, County Treasurer, said Candace Meredith, a long-standing County employee, was recently appointed as Chief Deputy County Treasurer. Stebbing noted the salaries of Douglas and Sarpy County Deputy Treasurers were substantially more and he felt that Meredith was equally qualified as the Deputy Treasurers in those counties.

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

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

Barry McFarland, General Manager, was unable to appear before the Board, however did provide information regarding the event and the history of Mac's Creek Vineyards and Winery. (Exhibit A)

Wiltgen stated he was familiar with the business and their reputation was impeccable.

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

**E. Special designated license application from Dave's Drive-In d/b/a Dave's Wine & Liquor for a reception on May 14, 2016 at Avalon Event Center, 12788 West Roca Road, Crete, Nebraska.**

Tom Cajka, Lincoln-Lancaster Planning Department, said the Planning Department did receive a special permit application for expanded home occupation. He stated that a public hearing was held with the Planning Commission on November 18, 2015. Cajka said the Planning Commission did not make a recommendation at that time requesting additional information. He noted that the owners of Avalon had asked for deferrals. Cajka said it is scheduled to appear before the Planning Commission on May 11, 2016, thus Avalon currently does not hold a special permit allowing this type of event.

In response to Avery's inquiry as to the expectation of approval from the Planning Commissioner, Cajka answered the Planning Commission is only a recommending body. He added the County Board would have the final approval. Cajka stated the expanded home occupation would allow Avalon to

## **NEW BUSINESS CONTINUED:**

hold events such as this, if approved. He said Avalon has been aware of this requirement since September of 2015.

David Derbin, Deputy County Attorney, said an expanded home occupation special permit allows for two employees, a larger footprint and outside use. He stated Avalon has requested several waivers of the conditions. Derbin said the earliest possible date the permit could be approved would be the week following May 11, 2016. He stated as there is not a specific permit for this type of use, the Planning Commission felt the expanded home occupation permit would be the closest, however, it does have several limitations. Derbin also noted numerous objections from surrounding neighbors.

Schorr inquired if this was just a recommendation to the Nebraska Liquor Control Commission (NLCC). Derbin said approval by the local governing body and a separate approval by NLCC is required for special designated licenses (SDL). He stated that NLCC cannot approve the SDL if the Board would vote to deny it but could still deny it if it was approved by the Board.

Hudkins said as this has been an ongoing matter since October 2015 he would vote to deny the SDL application.

**MOTION:** Hudkins moved and Schorr seconded to deny the special designated license application.

Wiltgen stated he would vote no because the owners have a pending application and are acting in good faith. Wiltgen added if the SDL is denied there may not be responsible parties serving alcohol.

Amundson said she would vote to deny the SDL heeding the recommendation of the County Attorney as the Board could be at risk.

Derbin clarified he did recommend that the Board deny the SDL for an event at Hillside Events at last week's meeting because the venue had numerous building and safety concerns that did put the Board at risk. Derbin said Avalon does not have the same safety concerns. He stated he is not advising the Board to approve or deny the SDL for Avalon he is simply answering questions regarding the expanded home occupation permit.

Avery stated that he would vote no as well. He said even though Avalon maybe slow in complying with the zoning laws, they are in the process. Avery added that the Board has made exceptions in the past.

Schorr said she has received concerns as well from neighboring properties. She deferred to Wiltgen's comment regarding having responsible parties and oversight of the distribution of alcohol.

**ROLL CALL:** Hudkins and Amundson voted yes. Avery, Wiltgen and Schorr voted no. Motion failed 2-3.

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

**NEW BUSINESS CONTINUED:**

- F. Licensure renewal application with the Nebraska Department of Health and Human Services for operation of the Lancaster County Mental Health Crisis Center at 825 J Street. The County will pay \$250 for the renewal license.**

Gwen Thorpe, Deputy Chief Administrative Officer, stated the license is site specific and is for the new location of the Crisis Center. She added that the number of beds increased to sixteen.

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

- G. Recommendation from the Purchasing Department and the County Engineer to award a contract to R.L. Tiemann, Lyman-Richey Corporation and Westover Rock & Sand for the supply and hauling of gravel surface course material. The total amount is \$500,330. (B-16-0011)**

Pam Dingman, County Engineer, said the bid format gives multiple smaller local companies the opportunity to bid on hauling to the pile that is closest to their operation.

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

- H. Utility Permit No. 1408 allowing Windstream Communications to install new fiber optics cable in the area of South 148<sup>th</sup> Street, Old Cheney Road to Saltillo Road and State Highway 43. There is no cost to the County. (C-16-0191)**

Jim Shotkoski, County Engineer's Office, provided maps and information related to the utility permits in items H and I.

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

- I. Utility Permit No. 1409 allowing Windstream Communications to install new fiber optics cable in the area of Old Cheney Road, 98<sup>th</sup> Street to 112<sup>th</sup> Street. There is no cost to the County. (C-16-0192)**

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

- J. Agreement with Malcolm School District 148 for the provision of a school resource officer by the Lancaster County Sheriff's Office. The school agrees to pay the County \$15,291 for the first year of the contract with a 2.5% increase each contract year thereafter. Term of the agreement is August 1, 2016 to July 31, 2017 with optional one-year renewals. (C-16-0193)**

Terry Wagner, County Sheriff, stated the next four items provide for school resource officers (SRO). He said Norris and Waverly school districts will have a full time officer beginning in August, 2016.

**NEW BUSINESS CONTINUED:**

Wagner said a SRO will split time between Raymond and Malcolm. He added during times when school is not in session the deputies service will be utilized by the Sheriff's Office. Wagner said the payments are adjusted accordingly.

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

- K. Agreement with Norris School District 160 for the provision of a school resource officer by the Lancaster County Sheriff's Office. The school agrees to pay the County \$30,582 for the first year of the contract with a 2.5% increase each contract year thereafter. Term of the agreement is August 1, 2016 to July 31, 2017 with optional one-year renewals. (C-16-0194)**

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

- L. Agreement with Raymond Central Public School District 161 for the provision of a school resource officer by the Lancaster County Sheriff's Office. The school agrees to pay the County \$15,291 for the first year of the contract with a 2.5% increase each contract year thereafter. Term of the agreement is August 1, 2016 to July 31, 2017 with optional one-year renewals. (C-16-0195)**

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

- M. Agreement with Waverly School District 145 for the provision of a school resource officer by the Lancaster County Sheriff's Office. The school agrees to pay the County \$30,582 for the first year of the contract with a 2.5% increase each contract year thereafter. Term of the agreement is August 1, 2016 to July 31, 2017 with optional one-year renewals. (C-16-0196)**

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

- N. Adoption of the Lancaster County Records Management Policy.**

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

- O. Appointment of Keith Neil Larsen to the Aging Partners Areawide Advisory Council for a term to expire on July 1, 2018.**

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

**NEW BUSINESS CONTINUED:**

- P. Reappointment of Dr. Michelle Peterson and Tom Randa to the Lincoln-Lancaster County Board of Health for terms to expire on April 15, 2019.**

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

- Q. Political Subdivision Tort Claim filed against Lancaster County Corrections by Cole Adams in the amount of \$3.**

**MOTION:** Schorr moved and Hudkins seconded to deny the tort claim based on the recommendations of the Corrections Director. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

- R. Political Subdivision Tort Claim filed against Lancaster County Corrections by Elvis Bangura in an undisclosed amount.**

**MOTION:** Schorr moved and Hudkins seconded to deny the tort claim based on the recommendation of the Corrections Director. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

- S. Political Subdivision Tort Claim filed against Lancaster County Corrections by Kier Dak in an undisclosed amount.**

**MOTION:** Schorr moved and Hudkins seconded to deny the tort claim based on the recommendation of the Corrections Director. Wiltgen, Schorr, Hudkins, Avery and Amundson voted aye. Motion carried 5-0.

- T. Political Subdivision Tort Claim filed against Lancaster County Corrections by Andrew Naderhoff in the amount of \$6.02.**

**MOTION:** Schorr moved and Hudkins seconded to deny the tort claim based on the recommendation of the Corrections Director. Schorr, Hudkins, Avery, Wiltgen and Amundson voted aye. Motion carried 5-0.

- U. Political Subdivision Tort Claim filed against Lancaster County Corrections by Matthew Pavey in the amount of \$4.16.**

**MOTION:** Schorr moved and Hudkins seconded to deny the tort claim based on the recommendation of the Corrections Director. Hudkins, Avery, Wiltgen, Schorr and Amundson voted aye. Motion carried 5-0.

- V. Political Subdivision Tort Claim filed against Lancaster County Corrections by Dalton Ramsey in the amount of \$350.**

**MOTION:** Schorr moved and Hudkins seconded to deny the tort claim based on the recommendation of the Corrections Director. Avery, Wiltgen, Schorr, Hudkins and Amundson voted aye. Motion carried 5-0.

**NEW BUSINESS CONTINUED:**

- W. Political Subdivision Tort Claim filed against Lancaster County Corrections by Johnny Waterman in the amount of \$185.**

**MOTION:** Schorr moved and Hudkins seconded to deny the tort claim based on the recommendation of the Corrections Director. Wiltgen, Hudkins, Avery, Schorr and Amundson voted aye. Motion carried 5-0.

- 4) 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 report for March, 2016:**

**1. County Sheriff**

- B. Setting a public hearing on Tuesday, May 10, 2016 at 9:00 a.m., in Room 112 of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska, regarding amendments to the Lancaster County General Assistance Guidelines.**

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

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

Gary Aldridge, 7112 South 45<sup>th</sup> Street, Lincoln, NE, appeared and commented on property tax collection and allocation. He said taxes are an essential obligation of citizenship.

- 6) ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Tuesday, April 26, 2016 at 7:30 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 a staff meeting on Thursday, April 28, 2016 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).**
- C. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, May 3, 2016 at 9:00 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.**
- D. The County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).**

E. 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](http://lancaster.ne.gov) under 5 City-TV, Video on Demand or 5 City-TV on YouTube.

7) **ADJOURNMENT**

**MOTION:** Schorr moved and Hudkins seconded to adjourn the Lancaster County Board of Commissioners meeting at 9:43 a.m. Hudkins, Wiltgen, Schorr, Avery and Amundson voted aye. Motion carried 5-0.

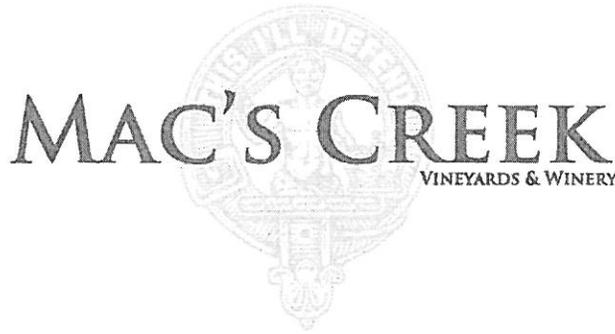


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Dan Nolte, County Clerk



EXHIBIT  
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April 26, 2016

Lancaster Board of Commissioners  
Ms. Roma Amundson, Chairperson  
555 South 10<sup>th</sup> Street, Room 110  
Lincoln, Nebraska 68508

Dear Chairperson Amundson,

We apologize for not being present at the commissioners meeting this morning but due to the impending weather we felt it was best to not be on the roads between Lincoln and Lexington.

Mac's Creek Vineyards & Winery has been in operation since the planting of our first vines in 2000. We currently are the 2<sup>nd</sup> largest producing winery in the state of Nebraska producing approximately 20,000 gallons of wine annually. The winery is owned and operated by our family Dr. Max McFarland, Theresa McFarland, Seth McFarland and myself. We operate approximately 30 acres of grapes in the Central Platte River Valley of Nebraska.

We have applied for a Special Designated License to participate in the Cattleman's Ball to be held in Lancaster County on June 4, 2016. We will be participating in the wine tasting event. Our staff will be checking ID's before serving/selling wine to guests. All staff that will be pouring have been trained and certified in alcohol serving on the national level (TIPS Training) as well as state certification and certification for the city of Lincoln, Nebraska.

We did receive and review all recommendations from the different county departments and understand that they have no recommendation or concerns for us in participating.

Again, we apologize that we could not be with you this morning but appreciate you taking the time to review our application and look forward to participating in the great event for a wonderful cause in Lancaster County.

If you have any questions please contact me at (308) 325-3667.

Sincerely,

Barry McFarland, General Manager/Owner  
Mac's Creek Vineyards & Winery  
43315 Rd. 757  
Lexington, NE 68850  
P: 308.324.0440  
C: 308.325.3667  
barry@macscreekvineyards.com

**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.

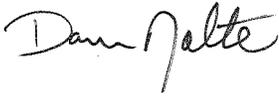
**MOTION:** Wiltgen moved and Avery seconded approval of the motor vehicle exemptions. Wiltgen, Avery, Hudkins and Amundson voted aye. Schorr was absent. Motion carried 4-0.

**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.



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Dan Nolte, County Clerk

