

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, JUNE 28, 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 June 24, 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, June 21, 2016.

MOTION: Schorr moved and Hudkins 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 June 28, 2016.

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

Kerry Eagan, Chief Administrative Officer, introduced Patrick Mwendwa Kyangie who is the Assistant Director for Administration and Coordination of Kitui County in Kenya. Kyangie stated that he is visiting the United States to learn more about county government.

3) SPECIAL PRESENTATIONS:

- A. Lancaster County Visitors Improvement Fund Grant in the amount of \$10,000 to the Lincoln Parks Foundation for the Roper East Disc Golf Course Project – Christie Dionesopoulis, Lincoln Parks Foundation Executive Director. (See correlating item 4A)**

Christie Dionesopoulis, Lincoln Parks Foundation Executive Director, told the Board there are currently three disc golf courses in the city of Lincoln. She stated the grant will be used for improvements for the Roper East disc golf course. Dionesopoulis said tournaments are held at the courses with the plan of hosting regional tournaments in the future. Schorr noted that participants for regional tournaments often have an extended stay in order to learn the course in advance.

Hudkins explained that the funding is from hotel tax dollars and not property tax dollars.

4) **UNFINISHED BUSINESS:**

- A. **Lancaster County Visitors Improvement Fund Grant contract in the amount of \$10,000 to the Lincoln Parks Foundation for the Roper East Disc Golf Course Project. The grant term is June 1, 2016 through September 30, 2016. (C-16-0295)**

Eagan stated that Lincoln Parks Foundation will be submitting an amended certificate of insurance listing Lancaster County as an additional insured.

MOTION: Hudkins moved and Wiltgen seconded approval of the grant contract subject to receiving the amended certificate of insurance. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

5) **NEW BUSINESS:**

- A. **Setting the annual salary of Joel Fulton, District Court Law Clerk, in the amount of \$44,343, effective July 6, 2016.**

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

- B. **Exceptional circumstance award for \$500 to Jordan Malcolm, County Corrections.**

Brad Johnson, Interim County Corrections Director, introduced Jordan Malcolm. The Clerk read the nomination for the record. Schorr presented Malcolm with a plaque and expressed appreciation for his service to the County. Malcolm thanked the Board, his co-workers and family for their support.

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

- C. **Recommendation from the Purchasing Agent and County Corrections to no award a contract/purchase order for Cleveland Combi Oven-Convotherm, as all bids were over budget. Recommendation from the Purchasing Agent and County Corrections to issue Purchase Order to Kain McArthur Inc. per quote received June 2, 2016. The total estimated amount is \$75,134.46. (B-16-147)**

Dennis Meyer, Budget & Fiscal Officer, told the Board funding would be through the Adult Correctional Facility Joint Public Agency (JPA).

Johnson said the ovens that were purchased when the Lancaster County Adult Detention Facility was built have required frequent repairs.

Ken Prey, Corrections Department, said the ovens were purchased and stored for several years before being installed. He stated the County Attorney looked into warranty issues. Prey said that Cleveland has extended the warranty, covered repairs and provided a free oven. He said Cleveland discounted three ovens, extended the warranty two years free of charge and per the request of the

JPA Board extend the warranty period to three years. Prey said Purchasing requested that a bid go out to ensure they were receiving the best deal. He stated the cost was \$20,000 less than the lowest bid. Prey said it was decided to go with Kain McArthur, Inc.

Avery commented that the cost of the warranty seemed high. Prey said he did research the cost of the warranty and found it was a fair price for the third year. He added the warranty was for all three ovens.

Wiltgen said the JPA felt that due to past issues with the ovens, it was in the best interest to add the third year to the warranty.

Bob Walla, Purchasing Agent, stated that warranty does not take effect until actual use of the oven begins.

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

D. Agreement for Legislative Services between Lancaster County and Kissel/E & S Associates. The term of the agreement is for a period of two years commencing November 1, 2016 and ending October 31, 2018. The County will pay \$63,000 for each year of the agreement. (C-16-0338)

Eagan stated that an updated certificate of insurance listing Lancaster County as an additional insured has been requested.

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

E. Agreements with the following individuals for referee services provided to hear valuation protests for the 2016 tax year and to transmit information to the Lancaster County Board of Equalization:

<i>Referee</i>	<i>Rate</i>	<i>Referee</i>	<i>Rate</i>
Ethel Skinner	\$70 (C-16-0312)	Greg Heinzmann	\$55 (C-16-0320)
Larry Swanson	\$75 (C-16-0313)	Robert Anderson	\$70 (C-16-0321)
Marilyn Tabor	\$55 (C-16-0315)	Joel Kirby	\$70 (C-16-0322)
Sally Webster	\$70 (C-16-0316)	Joel Walker d/b/a	
John McVay	\$55 (C-16-0317)	A Plus Appraisal	\$60 (C-16-0323)
Daniel McKenzie	\$60 (C-16-0318)	John Haney	\$85 (C-16-0324)
Bill Lange	\$65 (C-16-0319)	Jeffrey Danek	\$75 (C-16-0325)
		John Wurdeman	\$75 (C-16-0326)

Tom Kubert, Great Plains Appraisal, Inc, stated the correct rate for Ethel Skinner is \$50.

Avery asked if any contract rates were higher than the previous year. Kubert said there has been conversation in other counties of flat rates for referees depending on the type of property. He noted the average rate for referee's in Lancaster County was \$68. Kubert said that was consistent with

other counties average flat rate fees. He added that two individual's rates have increased since last year.

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

- F. Agreement with Great Plains Appraisal, Inc., to provide referees to hear valuation protests and transmit to the Lancaster County Board of Equalization all papers relating to such protests, together with written findings and recommendations. Great Plains Appraisal will provide the services of Wayne Kubert, Thomas Kubert, Cody Gerdes, Lori Johnson, Jason Pickerel, Shawn Fleck, Cathy Briley, Jill Henle, Carlos Lopez and Jay Seiffert. The County will pay \$50 to \$85 per hour for referee service, \$30 per hour for clerical support and \$35 per hour for security service. (C-16-0327)**

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

- G. Agreement with Denovo Ventures, LLC to provide functional and technical support for the JD Edwards EnterpriseOne system. The County will pay up to \$48,500 for the services. Term of the contract is June 12, 2016 through May 30, 2018. (C-16-0328)**

Meyer said the agreement is for additional assistance with the accounting software system on an as needed basis.

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

- H. Acceptance of the Lancaster County Enhancement Grant, State Grant Award 16-EB-0607, from the Nebraska Commission on Law Enforcement and Criminal Justice in the amount of \$276,226. (C-16-0330)**

Sara Hoyle, Human Services Director, stated this is a state grant that primarily funds the crisis continuum for juveniles in Lincoln and Lancaster County.

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

- I. Agreement between the Nebraska State Patrol and Lancaster County on behalf of the Lancaster County Corrections Department to provide Corrections access to the Combined Law Enforcement Information Network (CLEIN). (C-16-0331)**

Johnson told the Board this an agreement with the State Patrol to allow access to the criminal database. He added there is no cost to the County.

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

- J. Defensive Driving Course agreement with National Safety Council, Nebraska, for online STOP traffic diversion classes. The County will pay \$17.20 per course for 5,000 online courses. Term of the agreement is one year from the date of execution. (C-16-0332)**

Kim Etherton, Community Corrections Director, said that due to a higher usage rate the course cost has been decreased \$2.20.

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

- K. Agreement with the Administrative Office of the Nebraska Supreme Court for administration of the Adult Drug Court for the District Court of Lancaster County. The Administrative Office of the Courts will pay the County \$246,839 for the services. Term of the agreement is July 1, 2016 to June 30, 2017. (C-16-0333)**

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

- L. Agreement with the National Association for Children of Alcoholics to conduct training on August 10 through August 12, 2016 for Lancaster County Community Corrections. The County will expend federal grant funds in the amount of \$9,700 to cover the cost of the training. (C-16-0334)**

Etherton said this is the final agreement with the association as "train a trainer" will be included in the program. She stated that staff will then be responsible for training volunteers.

MOTION: Avery moved and Hudkins seconded approval of the agreement. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Wiltgen corrected his vote to "abstain". Motion carried 4-0 with one abstention.

- M. Agreement between Sandra Findley and Lancaster County, on behalf of the Lancaster County Department of Community Corrections, to provide substance abuse treatment to Participants in Pretrial Release and Adult Drug Court. The County shall pay \$45 per hour, not to exceed eight hours per week, for the services provided. The total amount paid under this contract shall not exceed \$17,280. Term of the agreement is July 1, 2016 through June 30, 2017. (C-16-0335)**

Etherton said Findley has been providing substance abuse treatment and social support services for several years.

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

- N. Letter of Agreement between Illinois Balanced Restorative Justice Project and Lancaster County on behalf of Human Services to provide Restorative Justice Practices training from July 12 through July 14, 2016. Cost to the County is \$9,300. (C-16-0336)**

Hoyle said funds are through the state enhancement grant that provides training for Lincoln Public School staff at detention facilities to perform informal mediation on site.

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

- O. Grant contract between Lancaster County and Clyde Malone Community Center, Inc. in the amount of \$34,000 for the Talented Tenth Scholar's Program. Term of the contract is July 1, 2015 to July 30, 2017. (C-16-0337)**

Hoyle stated this a state grant through the Crime Commission. She said referrals come from Lincoln Public Schools, Juvenile Diversion and Juvenile Probation. Hoyle added this contract provides the curriculum, activities, support and adult mentors.

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

- P. Contract between Rush Creek Construction, Inc. and Lancaster County for scour repair at bridges G-2, K-144, M-23 and S-65. Repairs are to be done between August 1, 2016 and November 25, 2016. Cost to the County is \$356,010.34. (C-16-0339)**

Pam Dingman, County Engineer, said the contract is for repair of four bridges. She noted the Federal Emergency Management Agency (FEMA) will reimburse the County 75% of the cost of repairs. Dingman stated this will appear in the current year's budget.

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

- Q. Contract between Constructors, Inc. and Lancaster County for asphalt resurfacing at various locations in the County. Resurfacing is to be done between June 13, 2016 and June 1, 2017. Cost to the County is \$4,108,369.04. (C-16-0340)**

Dingman stated this contract is for the current year's asphalt overlay.

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

- R. Contract between Gana Trucking & Excavating and Lancaster County for erosion control at various culverts and bridges in the County. Work is to be done between August 1, 2016 and November 25, 2016. Cost to the County is \$303,637.19. (C-16-0341)**

Dingman said the funds are within this year's budget and will maintain seven bridges that were not damaged by the flood but in need of maintenance.

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

- S. Contract between K2 Construction and Lancaster County for scour repair at bridges T-171 and X-30. Repairs are to be done between August 1, 2106 and November 25, 2106. Cost to the County is \$369,726. (C-16-0342)**

Dingman noted that the Federal Emergency Management Agency (FEMA) originally obligated about \$200,000 for bridge T-171 but this funding was then de-obligated. She said she feels passionately that this bridge was damaged by the storms, whereby, FEMA reimbursement would be 75%. Dingman appealed the decision and is waiting for a response. The funds are included in this year's budget.

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

- T. Utility Permit No. 1436 allowing Windstream Nebraska to relocate fiber optic cable on West Waverly Road, Northwest 112th Street, West Mill Road, Northwest 126th Street, West Bluff Road and West McKelvie Road. There is no cost to the County. (C-16-0305)**

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

- U. Utility Permit No. 1439 allowing Windstream Nebraska to relocate fiber optic cable on West Mill Road between Northwest 112th Street and Northwest 126th Street due to County Culvert E-265 replacement. There is no cost to the County. (C-16-0306)**

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

- V. Utility Permit No. 1442 allowing Windstream Nebraska to relocate fiber optic cable on Princeton Road and Southwest 25th Street due to County Culvert X-168 replacement. There is no cost to the County. (C-16-0307)**

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

- W. Utility Permit No. 1444 allowing Windstream Nebraska to relocate fiber optic cable on West Mill Road between Northwest 112th Street and North 1st Street due to County Culvert F-101 replacement. There is no cost to the County. (C-16-0308)**

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

- X. Utility Permit No. 1437 allowing Windstream Nebraska to relocate fiber optic cable on Northwest 105th Street, West Fletcher Avenue and Northwest 126th Street. There is no cost to the County. (C-16-0309)**

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

- Y. Utility Permit No. 1438 allowing Windstream Nebraska to relocate fiber optic cable on West Hallam Road between Southwest 72nd Street and Southwest 86th Street due to County Culvert V-170 replacement. There is no cost to the County. (C-16-0310)**

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

- Z. Utility Permit No. 1445 allowing Unite Private Networks to perform cable installation along West Burnham Street from South Coddington Avenue to Southwest 9th Street and along South Coddington Avenue from West Burnham Street to Van Dorn Street. There is no cost to the County. (C-16-0329)**

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

- AA. Amendment to County Contract C-13-0233 between Keefe Commissary Network and Lancaster County to provide inmate trust fund release services. The amendment changes the service fees applicable to transactions, effective April 14, 2016. (C-16-0343)**

Johnson said VISA now requires all transaction fees to be \$2.00.

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

- BB. Amendment to County Contract C-13-0335 between ICSolutions and Lancaster County for the provision of Lancaster County Corrections' inmate phone system. The amendment reduces rates and fees to conform to FCC regulations and reduces the County's commission. (C-16-0344)**

Johnson stated that the Federal Communications Commission (FCC) has placed caps on fees. He said this will result in less revenue. Johnson noted the contractor has asked that the County reduce the amount of commission that is received. He said there is a guaranteed minimum but felt that will not be reached as the reduction in fees should result in more calls made.

In response to Schorr's inquiry, Johnson said the reduction in revenue would be approximately \$27,000.

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

- CC. Amendment to County Contract C-13-0602 with Waste Connections of Nebraska for the annual requirements for waste and recyclable collection services, Bid No. 13-304. The estimated cost for the service will be increased by \$1,050 for the remainder of the contract term with a revised total amount of \$81,050. (C-16-0304)**

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

- DD. Amendment to County Contract C-14-0359 with ImageScapes, Inc. for the annual requirements of sod, sod replacement and installation, Bid No. 14-050. The amendment renews the contract from July 15, 2016 through July 14, 2017. The estimated cost for the service is not to exceed \$1,200. (C-16-0311)**

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

- EE. Amendment to County Contract C-13-0271 with Alamar Uniforms for the annual supply of County Corrections uniform accessories, Bid No. 13-132. The amendment removes line items 2, 3, 4 and 5 previously added with the amendment executed under County Contract C-16-0188 dated April 19, 2016 and adds additional line items per Attachment B. The estimated expenditures for this contract will remain the same. (C-16-0314)**

Angie Koziol, Corrections Business Manager, said Corrections previously had a contract with Regional Supplies for uniform supplies. She stated that Regional Supplies was not meeting their obligations and deadlines so the contract was terminated and the respective line items were moved to the Alamar uniforms contract.

MOTION: Wiltgen moved and Schorr seconded approval of the amendment. Hudkins, Schorr, Wiltgen, Avery 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 report:**

1. County Sheriff - May, 2016.

- B. Setting a public hearing for Tuesday, July 12, 2016 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding the proposed sale of property generally located at 2201 South 17th Street, Lincoln, Nebraska.**

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

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

Terry Pope Gonzalez, 349 South 1st Street, Lincoln, Nebraska appeared and commented on various community issues.

Don Olson, Valparaiso, Nebraska appeared and commented on the drainage ditch on the north side of West Ashland Road between Northwest 84th Street and Saunders County Road 28. He said it is being filled with rock and sediment and the County has not reclaimed the gravel from the drainage ditch.

Hudkins stated that he will visit with the County Engineer regarding this matter.

Gary Aldridge, 7112 South 45th Street, Lincoln, Nebraska appeared and commented on property value increase, tax rate increase and annuity freeze.

The Chair recessed the meeting at 10:25 a.m.

The Chair reconvened the meeting at 10:40 a.m.

8) PUBLIC HEARINGS:

A. Manager application for Roderick Lehn in connection with a Class CK liquor license for Sesostris Temple, 1050 Saltillo Road, Roca.

The Chair opened the public hearing.

Bob Nootz, Sesostris Temple Manager, was administered the oath. Nootz appeared in support of the manager application. He stated that Lehn has been a bartender for several years at Sesostris Temple and this is a volunteer position.

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

The Chair closed the public hearing.

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

NOTE: In addition to the correspondence attached to the minutes, the County Clerk's Office has received seven letters in opposition to Special Permit No. 15064.

B. County Special Permit No. 15064 for Avalon Event Paradise, 12788 West Roca Road, Crete, Nebraska.

The Chair opened the public hearing.

Mark Hunzeker, Baylor Evnen Law Firm, was administered the oath. He appeared representing the applicants. Hunzeker presented the proposed amendment to Planning Staff conditions (Exhibit A). He stated all conditions have been agreed upon by the Planning Staff with the exception of item #2 regarding the number of persons at events and item #3, the use of outside music. Hunzeker said larger events would only be allowed on Friday or Saturday and only two days per month between April and October. He noted that Avalon has not booked any events in July and August.

In response to Avery's question regarding the rationale between 200 and 250 guest allowed, Hunzeker said 250 is easily accommodated at this location and the impact of 50 additional guests is minimal.

Wiltgen inquired as to what type of events take place at Avalon. Hunzeker said it is primarily a wedding venue but other special occasion events have been held.

Steve Schmidt, 15770 Lakeside Estates Drive, Crete, Nebraska, was administered the oath. He appeared in opposition of the special permit. Schmidt provided a map that displayed Avalon and the surrounding properties that are in opposition of the venue (Exhibit B). He stated the business does not fit into the category of Expanded Home Occupation Permit. Schmidt expressed concerns with large events, fireworks, increased traffic, alcohol use and noise.

Avery questioned the use of fireworks. Schmidt stated that the owners had promised there would be no fireworks, however, a few weeks later there was a large fireworks display on the property.

Hudkins asked how late the events were held. Schmidt said the last event was beyond midnight.

Hudkins inquired if Schmidt would object to family events being held on the property. Schmidt stated it was his understanding that the first events held involved family members. He said the neighbors were not aware it was operating as a business until the change of zone notice was posted.

Avery asked if there has been any conversation with the property owners regarding the fireworks. Schmidt stated that the Viann Martin, Avalon Event Paradise, said during the Planning Commission meeting allowing the fireworks was a bad judgement call. He said this was a commercial firework display. Schmidt noted that neighbors have also been contacting Martin with complaints of loud music.

Schorr asked if an acceptable compromise would be to disallow outdoor music and restrict usage to weddings and dinners. Schmidt said he would still be opposed due to concerns with increased traffic.

Peter Dowben, 12251 Bobwhite Trail, Crete, Nebraska, was administered the oath. He appeared in opposition. Dowben expressed concerns with noise, large events, the possibility of damage to neighboring properties and the lack of liability insurance.

Jane Fulton, 15701 Lakeside Estates Drive, Crete, Nebraska, was administered the oath. She appeared in opposition. Fulton stated she has lived on the property for thirty-eight years and has great concern with the loud music and late nights.

In response to Hudkins' inquiry, Fulton stated that it appeared the first event was for family and, to her knowledge, the neighbors did not have any complaints. She said the events then happened more frequently and she feels this is a change of use for the property.

John Ingram, 15380 Bobwhite Trail, Crete, Nebraska, was administered the oath. He appeared in opposition. Ingram stated that he recently moved to Lakeside Estates. He expressed concerns with the loud music and traffic as it disrupts the residents' weekends. Ingram said he agrees with the Planning Commission decision that the permit should be denied.

Avery asked if Ingram has called the Sheriff's Office with complaints. Ingram said that he has not but knows that other neighbors have called. He stated that he is not sure who to call as they do not want to continue to call the Sherriff. Ingram said the Martins continue to advertise live bands, fireworks and large events on their website.

Pam Wakeman, 15751 Bobwhite Trail, Crete, Nebraska, was administered the oath. She appeared in opposition. Wakeman said they are the closest neighbors to Avalon. She stated she was not aware that a business was operating next door when she purchased the home. Wakeman discussed the concept of being a good neighbor and felt an expanded home occupation business should not detract from the enjoyment of surrounding properties. Wakeman stated that she was unsure as to who was operating the business or if any of the owners are present during the events.

Pam Scholz, 15855 Bobwhite Trail, Crete, Nebraska, was administered the oath. She appeared in opposition. Scholz said their property borders the Avalon property. She stated the owners do not live on the property and are not present during the events. Scholz noted that large events continue to be scheduled.

Mike Scholz, 15855 Bobwhite Trail, Crete, Nebraska, was administered the oath. He appeared in opposition. Scholz stated that he has visited with Viann Martin in his capacity as a Lakeside Estates Board member. He said the neighbors also met with the Martins but felt their concerns were not taken seriously. Scholz added there have been buses and a horse and carriage associated with weddings parked on his property. He said there have also been calls to Martin and the County Sheriff with complaints about noise, intoxicated guests, owners not monitoring the events and trespassing.

Schorr asked Scholz to expand on what he considers an acceptable event. Scholz said it was a simple ceremony with no reception and held between 4:00 p.m. and 6:30 p.m.

Avery questioned if Scholz would characterize Martin's behavior as a callous disregard for good neighbor behavior and rules. Scholz said he did feel there is lack of respect for rules and neighbors. He stated that boundary stakes on his property have been removed requiring him to have the property surveyed.

William Howlett, 13200 West Parker Road, Crete, Nebraska, was administered the oath. He appeared in opposition. Howlett stated that even though he lives several miles away, he can still hear the music. He said there have been promises broken and there is a lack of trust.

Hunzeker said there are numerous uses, which are available as a matter of right or special permit for any parcel on agriculturally zoned property. He addressed the number of employees and number of large events per month restrictions. Hunzeker stated this is a reasonable use for this property and the proposed limitations are reasonable.

In response to Schorr's inquiry regarding events scheduled in July and August, Hunzeker answered that it is his understanding there are no events scheduled during those two months. He stated that he assumes there will be events in September and October.

Wiltgen clarified that the restrictions will be a part of any contract that is entered into for events. Hunzeker said the special permit conditions are subject to a signed letter of acceptance by the owners and recorded with the Register of Deeds. He noted this is an effective way to enforce the restrictions of the special permit.

Avery commented that the testimony heard suggests the property owner is not abiding by the rules. He inquired as to how the restrictions will be enforced. Hunzeker said special permits are typically enforced by the Building and Safety Department with the assistance of the County Attorney.

Amundson noted that the first special designated license (SDL) was approved on July 21, 2015. Another SDL application came before the County Board in October, 2015, whereby it was then discovered that the property tied to the venue was not properly zoned for these events. At that time, Amundson said the Board was informed that there would be no events after October 3, 2015, until a special permit was approved. She noted Avalon is still holding wedding receptions, which appears to be in violation of the law. Hunzeker, who was not involved with these earlier discussions, felt that there may have been a misunderstanding on the part of the property owners who thought events could continue while the special permit application was pending. Amundson said Planning Department notes dated September 22, 2015 state, "The Planning Department met with one of the owners of the Avalon Event Paradise and notified them that under current zoning codes, events such as a wedding reception, would be in violation. Obtaining a special permit for expanded home occupation would allow this type of usage and recommends no other events be held until this permit can be obtained."

Amundson questioned if the bridal parties are aware that their event could be "shut down". Hunzeker said he was unsure.

Schorr stated for the record that the Board received a letter dated June 13, 2016 from Building and Safety Department that "the venue is being used for weddings, parties and group functions. This type of activity is not the permitted use in the AG (agricultural) zoning district. Any further use of this property for such venues is illegal. Failure to cease the illegal activities will cause the violations to be forwarded to County Attorney for further action." Schorr noted that it was addressed to Martin Estates. She added a large event was then held on June 18, 2016.

Tom Cajka, Planning Department, was administered the oath. Schorr asked if the application was denied what types of activities or events could be held on the property. Cajka stated the boathouse could be rented overnight as well as outdoor areas used as an accessory to the boathouse for small weddings and receptions. He said no large tents or receptions would be allowed. Cajka added that the estimated capacity of the boathouse is 75-100 persons. He noted the State Fire Marshal allows one person per seven (7) square feet for large open areas and one person per fifteen (15) square feet with tables and furniture.

Wiltgen and Avery suggested that the public hearing be held over to next Tuesday whereby only those people who were not able to attend today would be allowed to testify.

David Derbin, Deputy County Attorney, said that process seems to be reasonable.

Amundson stated this item will be revisited next week with new testimony only, as well as rebuttal testimony by the applicant and/or their representative.

Schorr stated that she does not agree with this procedure. Hudkins agreed and said he is prepared to vote on the agenda item.

MOTION: Avery moved and Hudkins seconded to deny the special permit.

Wiltgen said that he does not feel a vote should take place today as there is a demand for a rural setting venue.

Avery stated he feels this is a unique case and the property owner has callous disregard for rules and regulations.

Hudkins noted other rural venues have complied with regulations and have a successful business.

Viann Martin, 2315 Winding Ridge Road, Lincoln, Nebraska, was administered the oath. She stated that she does not blatantly disregard rules and regulations. Martin said that she received the letter from the Building and Safety Department the day of the event. She said up to that point she was under the impression since the special permit application was pending, some guidelines would be set. Martin noted that she would abide by the rules and would like the opportunity to prove that. She said her son-in-law is the manager and a typical summer would include approximately eight events with three or four large events. She stated that a calendar of events could be provided to the neighbors.

Derbin said if the Board is going to vote, he recommended closing the public hearing.

The Chair closed the public hearing.

MOTION: Avery moved and Hudkins seconded to deny Special Permit No. 15064. Hudkins, Avery, Schorr and Amundson voted aye. Wiltgen voted no. Motion carried 4-1.

The Chair recessed the meeting at 12:36 p.m.

The Chair reconvened the meeting at 12:50 p.m.

NOTE: In addition to the correspondence attached to the minutes, the County Clerk's Office has received four letters in opposition to Special Permit No. 16021.

C. County Special Permit No. 16021 for Hillside Events, 12400 West Denton Road, Denton, Nebraska.

The Chair opened the public hearing.

Mark Hunzeker, Baylor Evnen Law Firm, was administered the oath. He appeared on behalf of Hillside Events Center. Hunzeker reviewed the proposed amendment (Exhibit C). He stated there are a number of similar properties and cited with the Planning Department staff report. Hunzeker said the owners have made every effort to bring the venue into compliance.

Amundson inquired if approval by the State Fire Marshal has been received. Hunzeker stated a letter has been received and the owners have until the end of July to meet the requirements.

Chet Bennetts, 12121 West Denton Road, Denton, Nebraska, was administered the oath. He appeared in opposition. Bennetts said the owners have continued to operate after notice of non-compliance. He stated not all events are held indoors. Bennetts said that he suffers from post-traumatic stress disorder (PTSD) and agriculture therapy is a great benefit for PTSD.

Avery inquired if the enclosure makes a difference in the noise level. Bennetts noted that neighbors have audio samples that show the noise is still an issue.

Sean Fintel, 12401 West Denton Road, Denton, Nebraska, was administered the oath. He appeared in opposition. Fintel provided a power point presentation (Exhibit D). He expressed concerns with the noise, unruly guests, public intoxication and traffic. Fintel stated this is causing serious anxiety to his wife and disrupting their quality of life.

Marijane Hancock, 5504 Southwest 126th Street, Denton, Nebraska, was administered the oath. She appeared in opposition. Hancock said she is not currently disturbed by the noise like the other neighbors but felt that this is an overreach of the concept of expanded home occupation. Hancock expressed concerns about the unregulated use of alcohol, increased traffic on narrow roads and the risk of fire. Hancock added that she has no confidence that the owners will abide by the regulations.

Jody Rapp, 5333 Southwest 126th Street, Denton, Nebraska, was administered the oath. She appeared in opposition. Rapp said farm equipment and slow moving vehicles on the roads with the increased traffic is cause for concern. She stated her fear if this venue is allowed, the nature of the rural area will change dramatically.

Jack Wolfe, 1248 "O" Street, Suite 800, Lincoln, Nebraska, was administered the oath. He appeared in opposition on behalf of the landowner (his wife). Wolfe submitted a letter of opposition to the Board (Exhibit E). He stated the proposal creates a change in use to the property. Wolfe said that a commercial enterprise such as this does not fit into extended home occupation.

Hudkins asked if Wolfe felt the venue's operation would be a detriment to the property's value. Wolfe stated it definitely would affect it.

Schorr inquired if there could be an acceptable compromise. Wolfe said the conditions that are proposed are still difficult to police.

Renee Wulf, 12300 West Denton Road, Denton, Nebraska, was administered the oath. She appeared in opposition. Wulf provided a map and pictures depicting the closeness of their property with Hillside Events (Exhibit F). She stated the venue is an invasion of their privacy. Wulf said music, lights and people in the parking lot are very disruptive to their weekends. She noted that Hillside advertises weekend parties for \$2000.

Hunzeker provided the Board with a copy of the Fire Marshal's letter to the property owners (Exhibit G). He stated the owners have continued to operate while the special permit is pending. Hunzeker noted that this is not an unusual practice. He also provided a video that was taken during a reception while music was being played to demonstrate that inside noise should not be an issue.

Schorr inquired as to the type of events that were being held. Melissa Smith, Hillside Events, was administered the oath. She stated that primarily weddings are held in the barn. Smith said the average attendance was between 150 and 200 guests, with the largest being 300.

In response to Schorr's inquiry regarding upcoming events, Smith said all weekends in September and October were booked previously, but recently they have had three cancellations.

Schorr noted on Hillside's website it states that parties are allowed to provide their own alcohol and food. Smith stated the current contract requires a "bartender" but they do not necessarily need to be a licensed alcohol provider. Wiltgen said he would insist that a special designated (liquor) license (SDL) be mandatory.

Wiltgen asked what prompted the cancellations. Smith stated that she contacted the parties to inform them of the special permit situation. She addressed the issue of fireworks stating there was only one isolated incident. She said no fireworks will be included in the new contracts.

In response to Hudkins inquiry regarding obtaining information for permits, Smith stated they did contact the Planning Commission but did not receive a call back.

Tom Cajka, Planning Department, was administered the oath. Amundson asked Cajka to address Smith's comment that the Planning Department did not return their call. Cajka thought they called Building and Safety to ask if any permits were needed and were told that if it was an agricultural building on twenty acres, a building permit was not needed.

In response to Avery's question if there was willful disregard for proper behavior at the events, Cajka stated that once they were notified about being in violation of zoning code, they did apply for the special permit. He said they have also talked to Building and Safety and the State Fire Marshal.

Hunzeker clarified that the call was made to Sara Hartsell who is no longer employed by the Planning Department.

The Chair closed the public hearing.

MOTION: Avery moved and Hudkins seconded approval of Special Permit No. 16021.

Schorr stated she would like more time to review the proposed changes and needed more assurance from the applicants that concerns, such as security and the SDL requirement, would be addressed. She said she would vote against the motion.

Avery said this applicant has a record of attempting to comply with the regulations.

Schorr asked if the Board could reevaluate the special permit after one year. Steve Henrichsen, Planning Department, said while most special permits are indefinite, one condition could be to allow the special permit for one year after which time the applicant would need to reapply.

Hudkins asked why Hillside Events could not develop their operation similar to other compliant venues. Henrichsen said there are current venues that are categorized as historic preservation or wineries that allow receptions as an accessory use and not a primary use.

Hudkins inquired if Planning had any suggestions on how to ensure compliance. Henrichsen said if conditions are set the Planning Department, County Attorney, and Building and Safety will do their best to enforce them. He added compliance will be largely complaint driven.

Wiltgen asked if the requirement of a SDL could be included in the amendment. Henrichsen stated that condition could be appropriate. Derbin said the applicant appears to be amenable to the proposed restriction. He noted the amendment language would depend on how the Board directed the County Attorney's Office to proceed.

Eagan stated that additional discussion could take place at this Thursday's Staff Meeting.

Fintel stated events have been held eight weeks in a row. He expressed concerns with conflicting stories and repeated violations.

Hunzeker stated the applicant has done their best to bring the venue into compliance. He said the condition on the catering is reasonable. Hunzeker added the one-year time limit is very difficult to accept due to the large investment in order to complete the work required by the Fire Marshal.

Avery withdrew his motion and the seconder agreed.

Amundson stated discussion will take place at Thursday's Staff meeting with a possible decision on Tuesday, July 5, 2016.

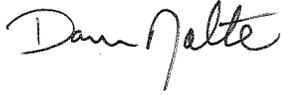
9) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, June 30, 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, July 5, 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 Lancaster County Board of Commissioners will hold a public hearing on Tuesday, July 5, 2016 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding County Change of Zone No. 16011, from AG Agricultural District to AGR Agricultural Residential District, on property generally located at South 82nd Street and Roca Road.**
- D. The Lancaster County Board of Commissioners will hold a public hearing on Tuesday, July 5, 2016 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding Comprehensive Plan Amendment No. 16002 to amend future land use plan from AG Agricultural District to AGR-Low Density Agricultural Residential District-Low Density, on property generally located at South 82nd Street and Roca Road.**
- E. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.**

F. 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.

10) **ADJOURNMENT**

MOTION: Wiltgen moved and Avery seconded to adjourn the Lancaster County Board of Commissioners meeting at 2:30 p.m. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.



Dan Nolte, County Clerk

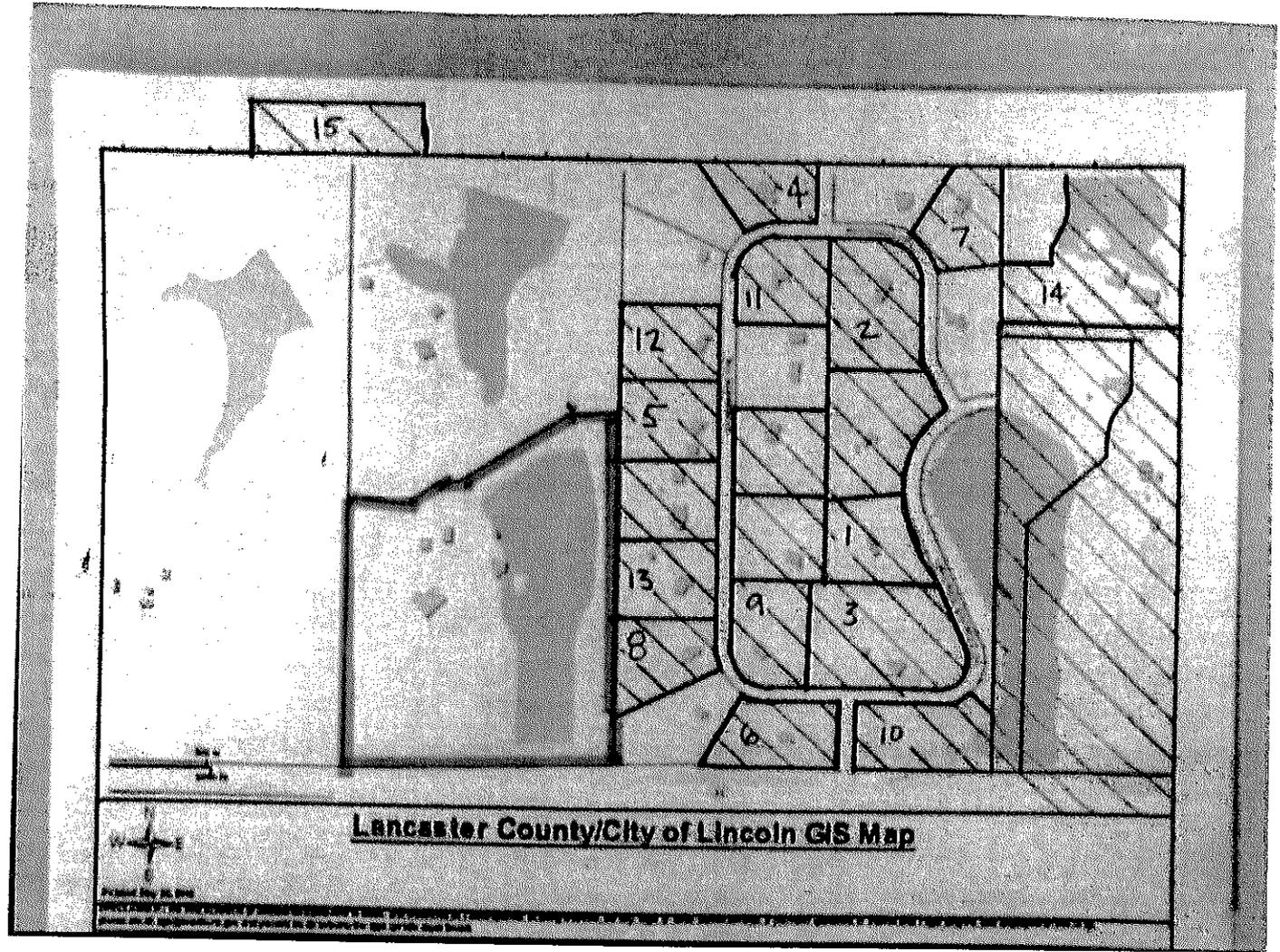


AVALON SP15064
Proposed amendment to staff conditions

Conditions

1. No limit on the number of events that have no more than 100 people (or the occupancy limit of boathouse, whichever is less) in the boathouse with accessory use of the deck and island. The waiver of no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more than 80 hours in any one week. The applicant must provide a listing of all persons working on site and hours worked upon request of the County.
2. Events between 100 and ~~200~~ 250 persons are allowed two days in any one calendar month from April 1st thru October 31st and are only allowed on Friday or Saturday. No events of between 100 and ~~200~~ 250 persons are allowed between November 1st and March 31st. The limitation of two events, of less than 250 persons per month, effectively limits the number of people working on site. Thus, it eliminates the needs to track hours since these size events are roughly equivalent to 80 hours of work on site.
- ~~3. Any outside music is not allowed to use speakers or other forms of amplification.~~
- ~~4. Any outdoor event must conclude by 11:00 p.m~~
3. Outside music is not allowed to use speakers or other forms of amplification after 10:00 p.m. Sunday through Thursday, or after 10:30 p.m. on Friday or Saturday. Any outdoor event must conclude by 11:00 p.m.
- ~~5-4.~~ Fireworks are not allowed except on July 3rd and 4th.
- ~~7:~~ 5. Provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the east property line.

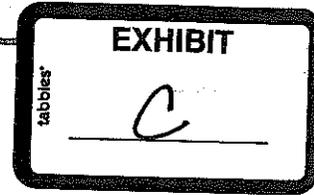
Mark A. Hunzeker
Baylor Evnen Law Firm
600 Wells Fargo Center
1248 "O" Street
Lincoln, NE 68508
402.458.2131 (direct)
Mhunzeker@baylorevnen.com



APPLICANT - PROPOSED AMENDMENT
5/25/16 PC MEETING

Mark A. Hunzeker

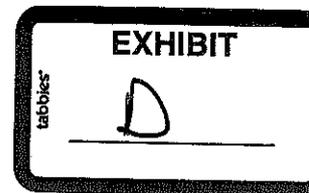
Subject: FW: Hillside Events Center



Conditions

1. No limit on the number of events that have no more than ~~400~~ 150 people. The waiver for no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more than 80 hours in any one week. The applicant must provide a listing of all persons working on site and hours worked upon request of the County.
2. Events between ~~400~~ 150 and ~~200~~ 275 persons are allowed two days in any one calendar month from ~~April~~ March 1st thru ~~October~~ November ~~31st~~ 30th. No events of persons between ~~400~~ 150 and ~~200~~ 275 persons are allowed between ~~November~~ November ~~1st~~ 30th and ~~March~~ March ~~31st~~ 1st. The limitation of two events, of less than 275 persons per month, effectively limits the number of people working on site. Thus, it eliminates the needs to track hours since these size events are roughly equivalent to 80 hours of work on site.
3. Any outside music is not allowed to use speakers or other forms of amplification.
4. Any outdoor event must conclude by 11:00 p.m.
5. Fireworks are not allowed except on July 3rd and 4th.
- ~~6. The waiver for no more than two employed persons is approved with the condition that the total hours of all persons working on site for an event cannot total more than 80 hours in any one week. The applicant must provide a listing of all persons working on site and hours worked upon request of the County.~~
7. Provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the east property line adjacent to the outdoor area.

Mark A. Hunzeker
Baylor Evnen Law Firm
600 Wells Fargo Center
1248 "O" Street
Lincoln, NE 68508
402.458.2131 (direct)
Mhunzeker@baylorevnen.com

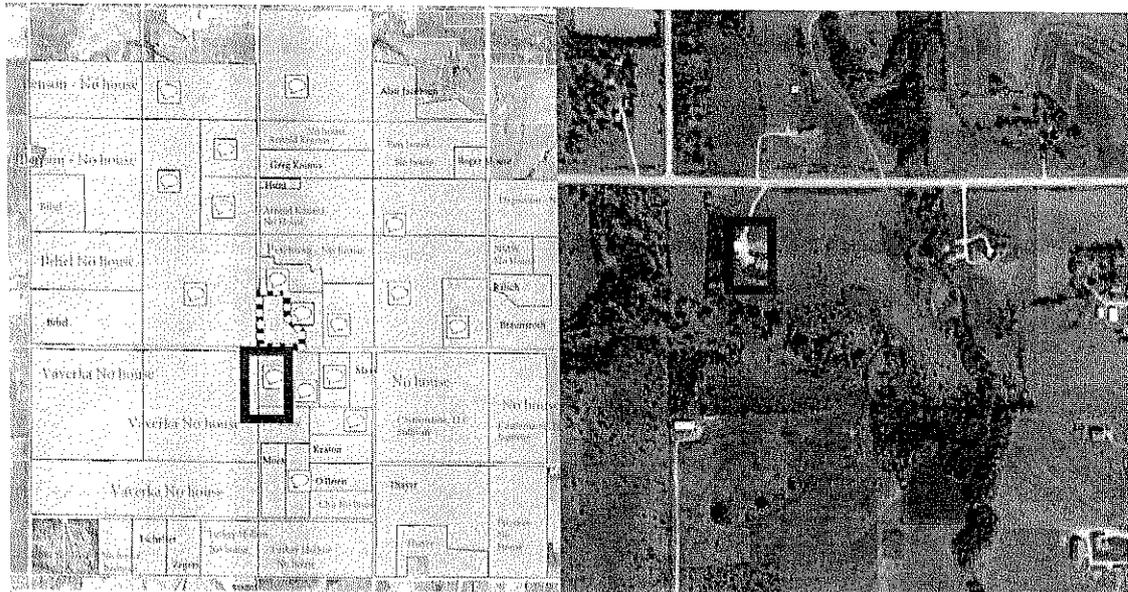


Opposition to (SP16021) Expanded Home Occupation Permit for Hillside Events at 12400 West Denton Road

Sean & Alexis Fintel
12401 W. Denton Road; Denton, NE 68339
We have lived at this location since May of 2014 (20 Acres)

First, thank you for your time in letting us visit with you about our concerns with this potential permit.

Our Property & The Situation Background



= Fintel Property (20 Acres) which is directly south of "Hillside Events"

- Prior to 4/22/16 - We Only Knew of The "Smith" wedding that took place in 2015 and although we heard music we didn't have a problem with it at all, because it was their wedding.
- Friday, April 22nd, 2016 is the first that we heard about this when the "zoning change" sign was erected.
- On April 24th after the first event (4/23) that we knew about, we told the Smiths that we could hear the music from our house and they said they would work with us if we had any concerns
- On April 30th, there was an event and there were multiple issues and I called Mr. and Mrs. Smith to try to work with them, but it did not go well unfortunately.

During This Presentation, I will:

- 1) Present and dispel various mistruths that the Smiths and their attorney have communicated to try to get a permit.
- 2) Present facts that show why this should not be approved based on how much it affects the area including up to 20% decline in property values
- 3) Show videos that show how loud the music is, the yelling, "hooping and hollering" and obscenities that we can see and hear from our house
- 4) Show that the risks far outweigh the perceived "benefits" in allowing a commercial business such as this to take place in this area.

Text To & From Tyler Smith – May 1st at 12:30 AM regarding bright lights shining directly into our house throughout the night and the music that we can hear in our house. (This is after I first called and asked nicely to please turn down the music and lights.)

< Messages (402) 450-2559 Details

Message
Today 12:30 AM

It's been difficult working with your neighbors in the expanded home occupation permit. Attempted to nicely ask to turn off lights that shine directly into our house and turn down music that we can hear and feel in our house at 11:05 PM that disrupts our sleep and then you turn the lights back on after a short period of time and they are still on and keeping us up at 12:30 am. They shine directly into our house. Not neighborly at all. Sean Fintel

Read 12:30 AM

I went out right away and shut the three lights off. They need to have light to load up vehicles. And I will shut them off when they are finished

The lights shined into our house past 1:30 AM and I had to get up at 4:30 AM for work travel.

- We are also now even more concerned for our safety
- On June 25th as a “reception guest” was leaving “Hillside Events”, I was simply getting mail at that time (8:15 PM) after getting home, no videoing, doing nothing to provoke.
- I was verbally harassed and an obscene gesture was directed towards me.
- Based on other incidents (cake and litter and another harassment issue on 5/14) and firsthand knowledge from someone that was supposed to have a wedding there, the Smiths are (likely in my opinion) telling people that have events booked there (and/or guests) that the neighbors do not want this going on and they are directing blame towards us and **making us a target.**
- This is a serious concern and my wife is very scared.
- Mixed with alcohol and angry people and, **no security** or constant monitoring of people in the parking lot this is a bad combination.

Noise IS A Significant Concern and Has Been an Ongoing Issue Since Day 1 – (April 23rd)

No matter how many times you have heard or will hear (from the Smiths, or Mr. Hunzeker) that events take place “inside” and noise isn’t an issue since it is an “indoor venue”, we can hear the yelling, obscenities, the DJ, and the music clearly from our house.

- We have repeatedly heard from the Smith’s, “that is a one time thing”, or “we won’t have that happen again, “or, that was a motorcycle group and we typically won’t have issues like that”, or, “we watch the parking lot as close as we can”, there is ALWAYS an excuse.
- And NOISE has always been an issue.
- Various YouTube Videos Taken Directly In Front Of Our House
- June 25th – You can clearly hear the music and see the lights that shine towards our house
- <https://www.youtube.com/watch?v=9au0dK87bQw>
- May 28th – You can hear the D.J., music, and people yelling and screaming
- <https://www.youtube.com/watch?v=CaXscag3fMk>
- May 14th – Music, yelling, expletives
- <https://www.youtube.com/watch?v=HVLXPLLuzHw>

1979 ZONING RESOLUTION OF LANCASTER COUNTY, NEBRASKA

A Resolution to promote, in accordance with present and future needs, the health, safety, morals and general welfare of the citizens of the prescribed unincorporated portions of Lancaster County, Nebraska and to secure safety from fire, flood and other dangers; to conserve the value of property, to encourage the most appropriate use of land; to regulate and restrict the location, height, bulk and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, business, residence and other purposes; to safeguard adequate provision for water, sewage, schools, parks and other public facilities, all in accordance with a Comprehensive Plan; and providing for a Board of Zoning Appeals and for enforcement of this Resolution.

Be it resolved by the Board of Commissions of Lancaster County, Nebraska.

Lancaster County Zoning Regulations

The Lancaster County Zoning Regulations were amended in September 2009 to allow Expanded Home Occupation by special permit. The intent was to allow **small family owned businesses to operate out of their homes.** The business is to be accessory to the residential use of the property and operated by the family occupying the residence. This condition makes it more likely that the business will be a "good neighbor." The business should not detract from the peace and enjoyment of surrounding properties.

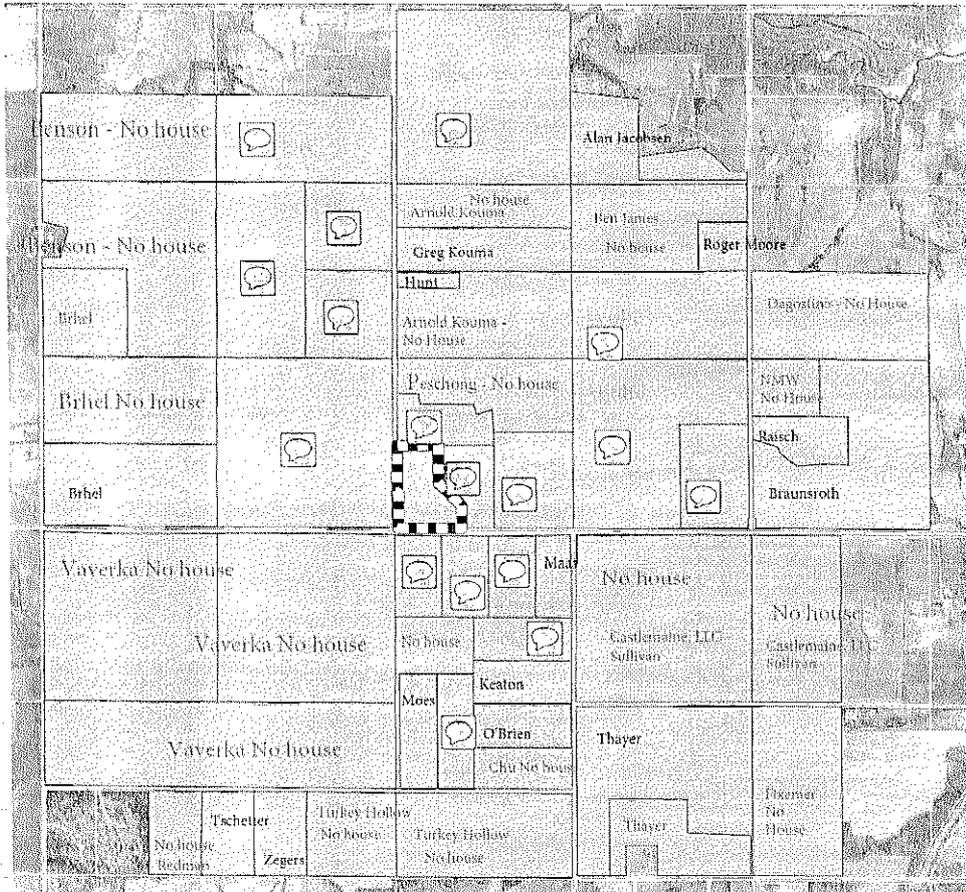
The text in this amendment essentially states why this should not be permitted. It is very clear in the wording.

“Makes it more likely that the business will be a “good neighbor” – that the business operator will not “soil his(or her) own nest” with activities that detract from the peace and enjoyment of his own residence as well as surrounding properties.”

Requiring that most rural businesses be “accessory” to the residential use of the property, and be operated by the family occupying the residence, makes it more likely that the business will be a “good neighbor” – that the business operator will not “soil his (or her) own nest” with activities that detract from the peace and enjoyment of his own residence as well as surrounding properties. Key questions for any code amendments involve setting appropriate limits to the business activity and being able to enforce them. It was thought that a comparison of our county’s current provisions to the requirements and experiences of other counties could be helpful in answering these questions.

From: Expanded Home Occupations in Rural Areas. Lincoln Lancaster County Planning Department – December 18, 2008; Page 3; Section 2; “The Issue”

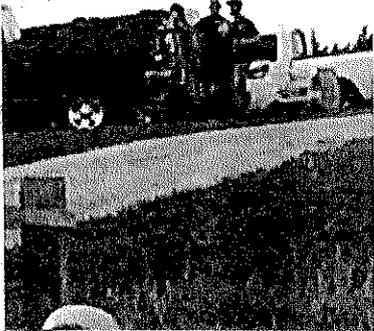
Opposition Summary To Date



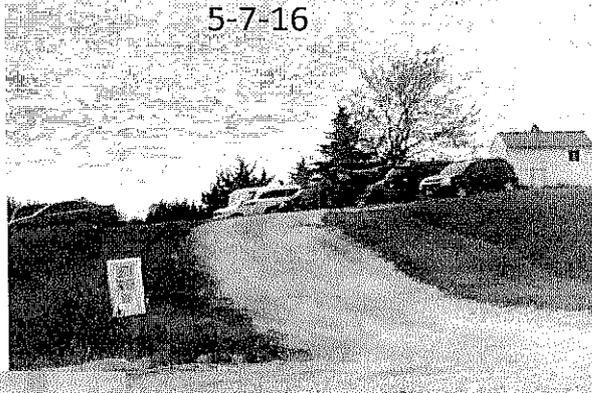
- Message icon = Signed petition and/or expressed opposition (letter or other)
- All properties surrounding Hillside Events have expressed opposition
 - This is very important as these are the people most affected by this
- Any properties in red do not have houses
 - Peschong Example
- Any properties in blue have houses and have not expressed opposition nor support to date
- <http://www.lincoln.ne.gov/aspx/city/acts/default.aspx?AppNum=SP16021>

Rules & Regulations Were Made To Prevent These Issues
That Have Already Been Occurring & To Protect The Public
& To Minimize Effects From a Nuisance Property

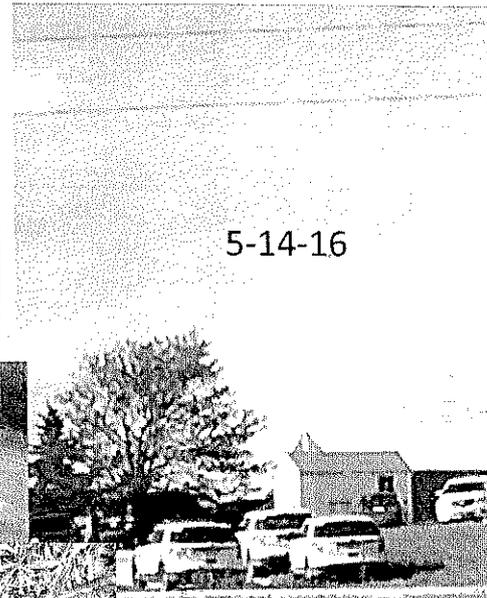
4-23-16



5-7-16



5-14-16



5-7-16



4-30-16



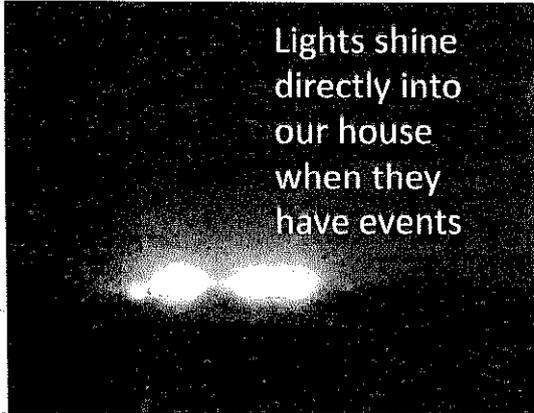
5-14-16



Tom Cajka was quoted in the LJS article from 5/1/16 – *“The whole intent of home occupation is it’s really not supposed to disturb the residential area and keep it residential in character.”*
“Residential is still to be the main use of the property.”

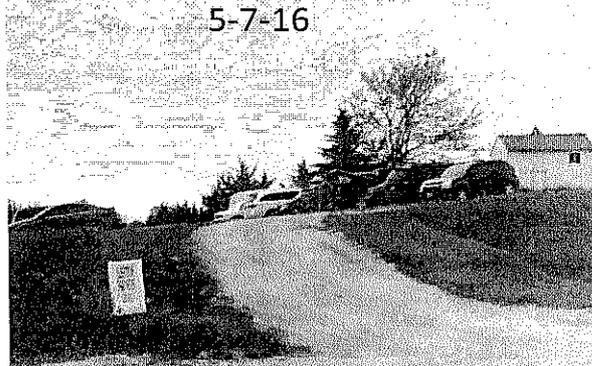
4-23-16

Does this look like it is keeping the area “residential in character?”

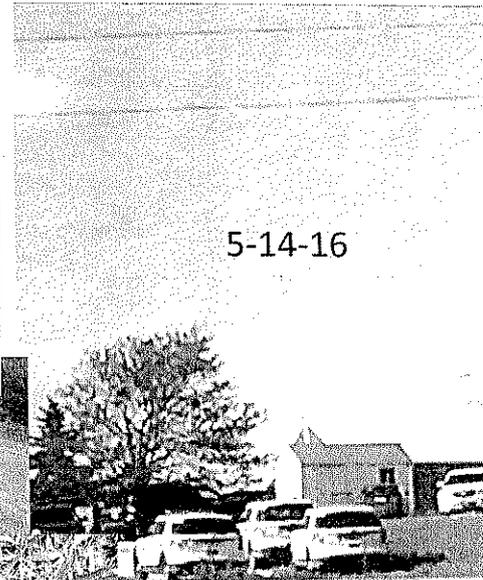


Lights shine directly into our house when they have events

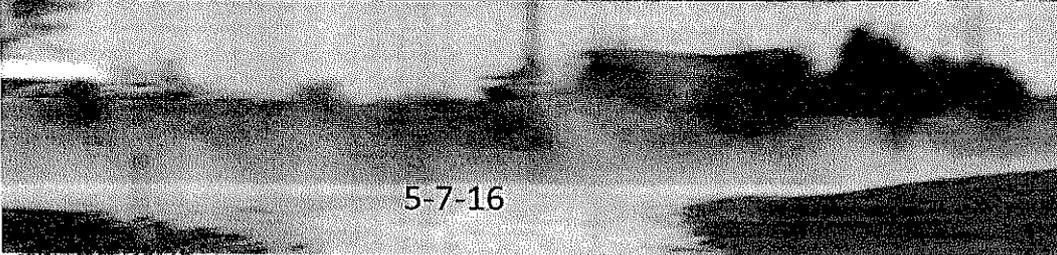
5-7-16



5-14-16



5-7-16



4-30-16



5-14-16



Events & Discrepancies "On the Record"

2015

- Evidently there were two events
- We only saw one and we knew they were getting married there so we didn't think anything of it.
- We were out of town the other weekend.
- Mr. Hunzeker likes to attempt to communicate that "there weren't issues until they applied for a special designated liquor license"
- Well, we didn't know there was anything going on other than our neighbors getting married on their own property.

2016

- Events started April 23rd, 2016
- The Smiths stopped by to visit with us on the 24th and we told them we could hear music from our house and they said they would "ask the DJ to turn it down" if it is a problem in the future.
- I tried that on April 30th to no avail.
 - Mr. Smith was simply not nice in response to my nice and professional attempt to deal with the situation.
 - He said he would turn the music down and turn down the lights and they did for about a half hour and then turned them back on again and lights shined into our house until past 1:30 AM.
- There were events every weekend through June 4th.
 - 7 Events in a row in 7 Weekends + June 25th
- We (or other neighbors) have had issues with every one of them other than the 4th when we were out of town (as far as I know).
- I know for a fact that the sheriff was called by multiple neighbors on any of these dates (except on the 21st):
 - **See Summary on next slide**
- These issues are all documented and the sheriff was called multiple times by multiple neighbors due to many issues
- If this is approved, they are asking to have events from March through November 30th. Our lives would be drastically affected by this.
- Multiply our anxiety, concerns, fears, issues with loud music and concern for our pets and horses by about 5 (35 weekends) and that is what we would be looking at for 2017.

Summary of Events in 2016 at Hillside Events According To My Records

8 Events

- **April 23rd** – First event in 2016 that we were aware of. We informed the Smiths about our concerns with the level of music and intensity of lights shining into our house in person (on April 24th).
- **April 30th** – I called Mr. Smith and then texted with concerns and our concerns were essentially ignored, even though I asked very nicely and professionally during the phone call. It is my understanding that a deputy (Deputy Brabec) later called and asked them to turn down music and lights.
- **May 7th** – Crowd control issues, people cussing, yelling, and cussing to us in a threatening manner. – Deputies were called and one showed up to address issues.
- **May 14th** – Multiple neighbors called with issues including trespassing, loud music, and crowd control issues. Three deputies came first time and they also came later when other neighbors called.
- **May 21st** – That is the date that Mr. Hunzeker is referring to regarding the special designated license. I called Ken's Kegs to inform them about Hillside Events being "advised to cease operations" (on May 20th) and they were appreciative because they were not told by the Smiths. The special designated license was not utilized is my understanding. However, no deputies were called because there wasn't an issue.
- **May 28th** – Trespassing issue on our property and loud music and loud, cussing people. Three deputies came.
- **June 4th** – A wedding only with no reception (that is our understanding) – No issues
- **June 25th** – Criminal harassment issue from someone departing Hillside Events at 8:26 PM; Reckless Driving / Endangerment Issue & Loud Music Issue at 10:11 PM – Multiple calls from multiple neighbors; One deputy came the first time and two deputies the 2nd time.

What is the common denominator?

- Of these 8 events, when alcohol was served or brought to Hillside Events, there were issues with all of them.
- When there is alcohol involved, that is when the issues including public urination, drinking in parking lot, trespassing, harassment, and reckless endangerment / driving issues have occurred.
- When there was not alcohol on June 4th, and no late reception on the 21st (and special designated liquor license not used), We did not have any issues nor did neighbors (as far as I am aware) report any issues to the Sheriff.
- Alcohol in this environment where people come and go and the Smiths admit "random people show up" (at hearing on May 25th) = troubles and an accident waiting to happen.

The Cart Before The Horse?

aka – “Do it now and ask for forgiveness later?”

- During the planning commission hearing on May 25th, 2016 the Smiths were asked by a planning commission member, “*Did you buy the property with the intent to hold events?*”

Answer (verbatim):

- “We knew with the barn that was there that there would be a possibility.”

What does their website say?

It all started with a vision, and then a search for a location that fit the vision. Then came creation of the space and business that has now become Hillside Events.

Hillside Events is owned and operated by Tyler and Melissa Smith. The vision started with their own wedding. They were having a really hard time finding an event center that would meet their budget, needs, and vision for their wedding. So after they were married they decided to start looking for a location for the perfect wedding venue.

Hillside Events is located on 22 acres near Dorton, NE. Tyler and Melissa sold their house in Lincoln and began their dream. They bought the land, house, and horse barn in November of 2015. They moved in with their 3 foster children and began their creation of Hillside Events. The existing barn was put up by the previous owners who intended to use it as a horse barn, the barn was never used because the previous owners took a job out of state and sold the property before the barn was ever used.

Noise Control (& Crowd Control) Issues

No noise at the property lines?

- Mr. Hunzeker did a good job of showing a video (at the hearing on May 25th) that attempted to show how quiet the venue is during events.
- Unbelievable.....
- When we can hear exactly what songs are playing from our house (I have multiple videos from multiple nights)
 - That is simply a distortion of facts.
- He also stated, *“all of the events and all of the potential sound that could be a disturbance takes place inside the barn.”*
- Really?

How can this happen?

- Multiple times we have heard people yelling and cussing and can hear the nasty expletives from the people in the parking lots.
- Two neighbors have witnessed public urination at the venue and this is documented on the notes from May 25th planning meeting.

Other Items (from May 25th hearing)

Topic: Buses & Shuttles

- Mr. Hunzeker stated (verbatim), “My understanding is that everyone is encouraged to use buses and shuttles.”
- We have seen a bus one time.
- Other times it is just a whole bunch of vehicles impeding traffic on the road and causing more dust and potential health issues because of it.

Topic: “Does the alcohol stay inside?”

- Mrs. Smith responded, “I monitor for alcohol in the parking lot, but I can’t be out there all the time.”
- So how can they be sure?
- How can they be sure there aren’t people causing a nuisance or urinating in the parking lot?
- How can they be sure people do not leave with alcohol?
- We have seen people get into their vehicles with alcohol.

Fireworks Issue in 2015 *(brought up at hearing on May 25th)*

Mr. Smith's Response:

- "A random person showed up that shot off a firework"

What does this tell us?

- They cannot control who comes and goes on the property
 - Which brings up so many issues
- If a "random person" shows up and shoots off a firework, what is stopping a "random person" from consuming alcohol there?
- If the Smiths don't check who is coming and going, how do they know that people at the event aren't inviting others to come and "join in on the fun?"
- If they are **not invited (and not on guest list)**, that is a liquor control issue (ask Lonnie Connelly)

Capacity & Timing

When asked “Can a reception go past 11:00?”

- No straight answer was given and we know some of these have gone well past midnight.

Capacity & Inside vs. Outside

- They admitted that if there were more than 200 people (for seating), the remainder would be outside.
- What does that tell us? More noise and crowd control issues and alcohol outside.
- Mr. Hunzeker also stated, “the only thing that takes place outdoors is the ceremony.”
- Really?
- He also stated, “all of the events and all of the potential sound that could be a disturbance takes place inside the barn.”
- And kept referring to it as a “complete indoor facility.” Really???

“Only One More Large Event Scheduled” (after 5/25) Is what Mr. Hunzeker Stated on May 25th at the Planning Commission Hearing

Really? Which One Of These is the “Small Event?” And That is the Problem.....

And Does This Look “Screened” From The Road??

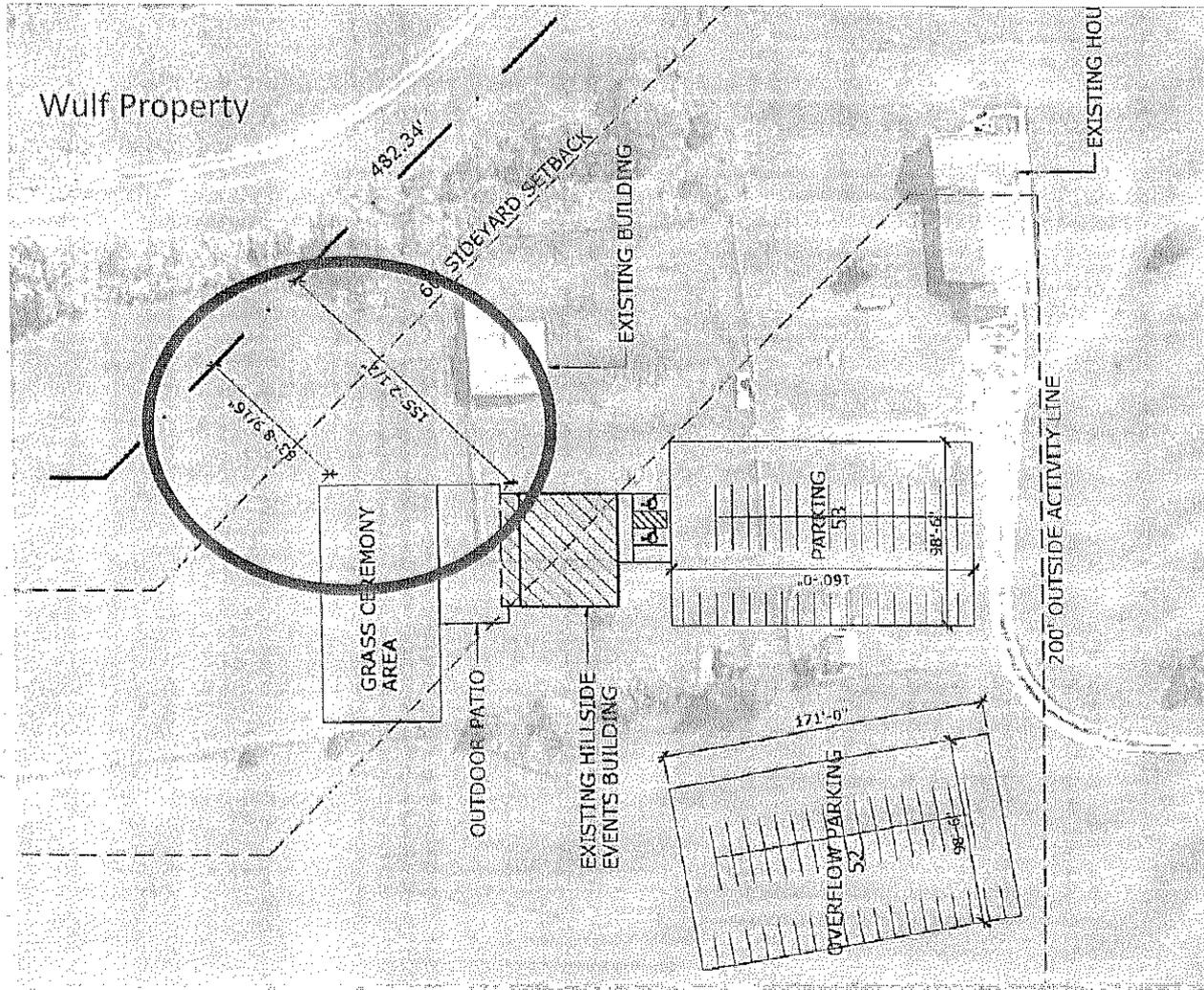
May 28th – Multiple Disturbances Including Trespassing & Loud Music – Multiple Neighbors Called Sheriff



June 25th – Harassment Issue, Loud Music, & Reckless Driving From Two People Leaving Hillside Events – Deputies Came Twice



Significant Issue With Distance to Adjacent Property

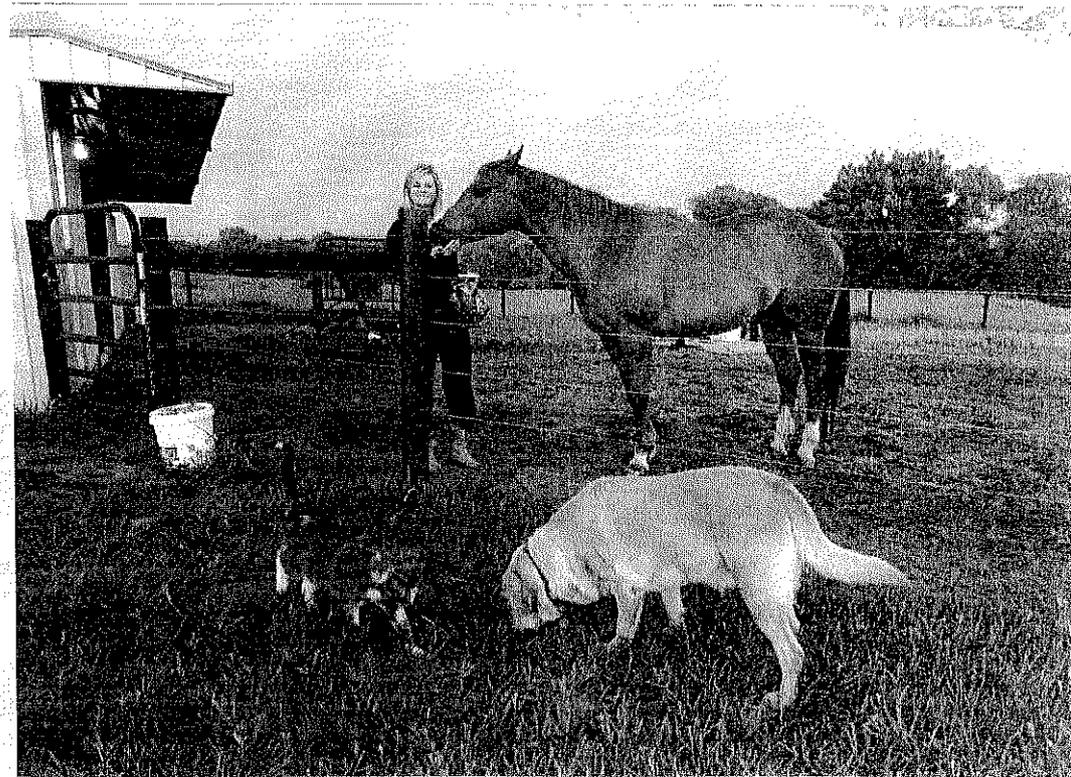


- Distance of ~84 Feet & ~155 Feet to the Property Line of Wulf Property is not reasonable.
- They will have horses and this is a significant issue.

Concerns

1) Safety Concerns

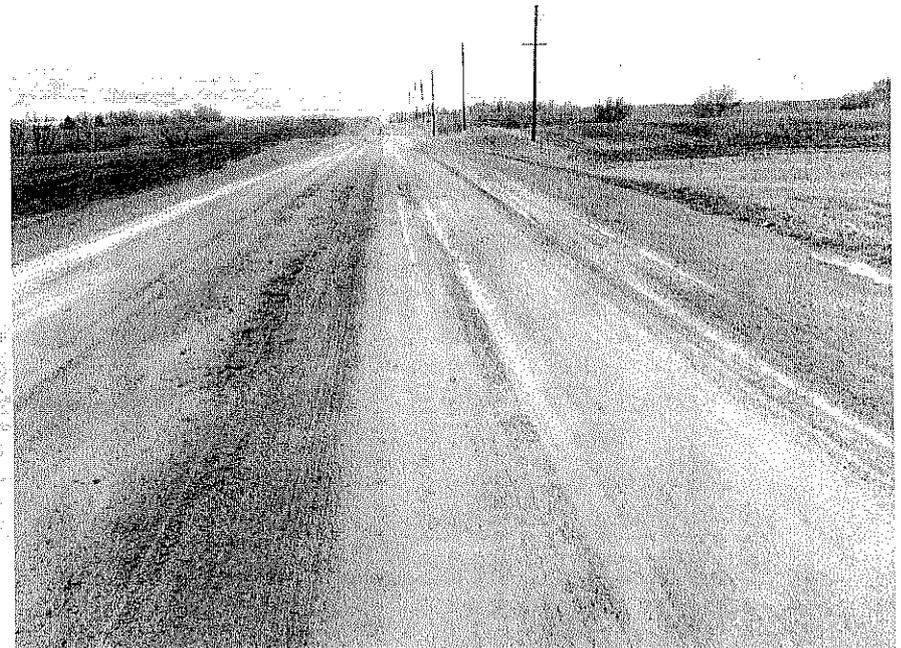
- We are concerned for the safety of our family, our pets, and our horses.
 - This area is for raising families and animals (for those who desire) in a safe and peaceful manner, not for a venture such as this.
 - That is why ZONING REGULATIONS exist and must be followed.
- Issues of harassment and trespass from people at the "Hillside Events"
- Reckless Driving / Endangerment from people leaving and coming back to the location.
- My wife is concerned for her own safety when I am traveling. She has expressed that she won't even stay there alone when I am gone because of the fear of someone being inebriated and wandering onto our property which is directly south of the proposed "Hillside Events"



Concerns (continued)

2) Unregulated Consumption of Alcohol

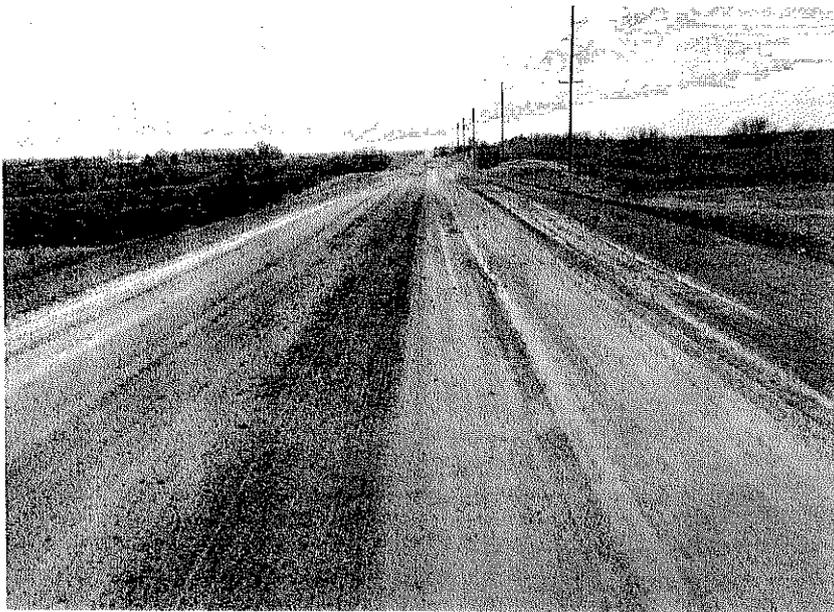
- People bringing their own alcohol = Unregulated drinking and lack of monitoring for level of inebriation.
- If there is no way to determine who is there or who should be there, when people bring their own alcohol, it is not within regulation. (fireworks issue – Mr. Smith admitted on 5/25 that a “random person” showed up)
- If people bring their own alcohol, there must be a guest list and monitor for people who should be there and only they can drink. That is directly from Trooper Connelly.
- For additional details, contact Lonnie Connelly – Nebraska State Patrol – 402.471.8494
- People are drinking in the parking lot AND inside, how can this be monitored to ensure no one is over-served and then leaves and is under the influence?



3) Additional Traffic on West Denton Road

- On a road that is already over-travelled for its original design.
- Additional dust and wear and tear to the road.

#3) Continued - West Denton Road Cannot Handle More Traffic



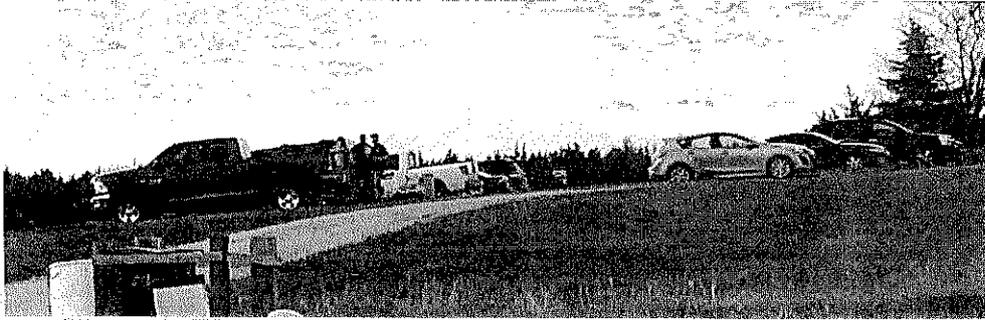
- There have been multiple situations where drivers have been stopped on Denton Road as large groups of vehicles show up and cannot all pull in at the same time and it has impeded traffic and been a reckless issue due to the dust inhibiting view for traffic approaching this area.
- This will not get any better when the road is paved since there will not be a turning lane.

#3) Continued - Health Hazard Due To Increased Traffic Causing More Dust – Health Issues – Animals & Humans



4) Crowd Control, Noise Control, Indecent and Dangerous Activity

People drinking, swearing loudly, yelling threatening words, smoking and extinguishing cigarettes in the parking lot, and seeing people urinating in the parking lot is not something that anyone wants to deal with. When we have children, why should they have to be exposed to that?



- I have shared some videos that show how loud the music is, how bright the lights are, and one video where we can hear word for word a male swearing repeatedly / yelling and because there are so many "F" word uses, I cannot play this video today. When you can hear that from our house, that is a major concern and it frightens my wife tremendously.

- Another incident (May 14th) was with a man leaving a party in their vehicle after deputies showed up and he was yelling in a threatening way to my wife and I while we were guarding our driveway.

- This is simply even worse than living by a bar because at least at a bar there are regulations that must be followed.



Concerns (continued)

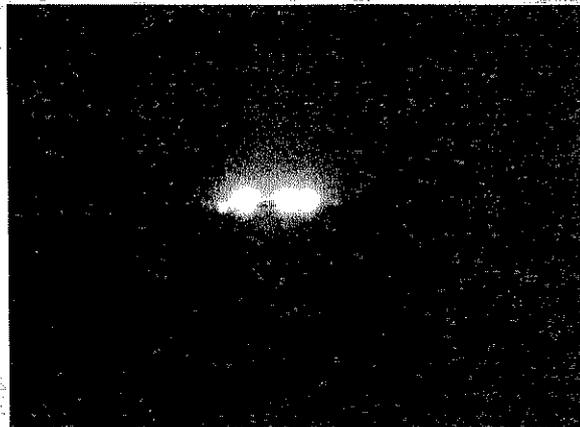
5) Light & Noise Pollution

- We have already had issues with lights shining directly into our house past 1:30 AM and music that we can hear in our house.
- The Olsen's a mile away from there can also see the lights (see letter)



Trajectory Towards Our House – Noise & Lights

Noise and Lights Project Directly Into Our House and to our Horses (and to property a mile to the south)



To: Tom Cajka, County Planning

RE: Special Permit 16021

We live one mile south of the proposed Hillside Events. As neighbors we would like to state our objection to the proposed zoning change.

We bought our 22 acres 10 years ago. We have worked hard to make our place our home. We really love the quiet and dark nights our property affords us. In the past year or so, the Smiths have put up two bright lights which have been on almost any given night. No one else in the area even has a farm/yard light outside. The Smiths 2 lights are a mile away but we can't avoid them. Imagine their closest neighbors are REALLY annoyed.

We also appreciate the peace and quiet our property affords us. We really don't want to listen to stranger's parties, especially on nice summer weekends. We prefer to listen for birds & other native wildlife.

Our property also has approx. 15 acres of CRP/native grasses. Many of us in the immediate area have native grass fields, and drunks with cigarettes in July, August and September make everyone nervous!

In a nutshell, my husband and I bought our property to build our home on and enjoy the quiet country life. And for ten years we have.

Increased traffic on our already stressed gravel roads, bright lights shining every night, having to call the sheriffs to deal with drunk and disorderly strangers, music louder than the crickets. This is NOT what we moved to rural Lancaster county for.

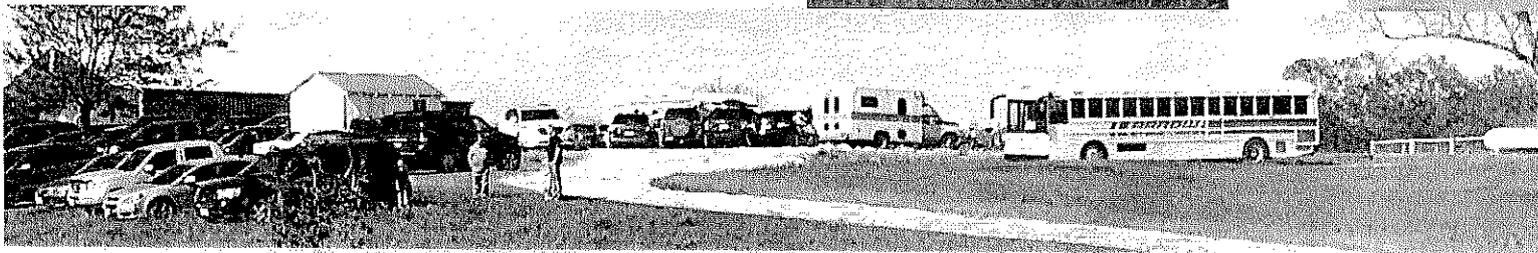
Sincerely
Steve & Annie Olsen
12350 W Spring Rd
Denton

See letter from Steve and Annie Olsen that live a "mile away" from the Smith's and they can see them also. Just imagine how bright they are and how they shine directly into our house at night.

6) Property Value Declines

- Based on assessment by real estate professional, values could “decline 10 to 20%”
- On \$500K property (land, home, buildings) that could be upwards of \$100,000 property value decline.
- How can this not affect property values when this area turns into a “parking lot” where people “hang out” and consume beverages in sight of the road and the neighboring properties?

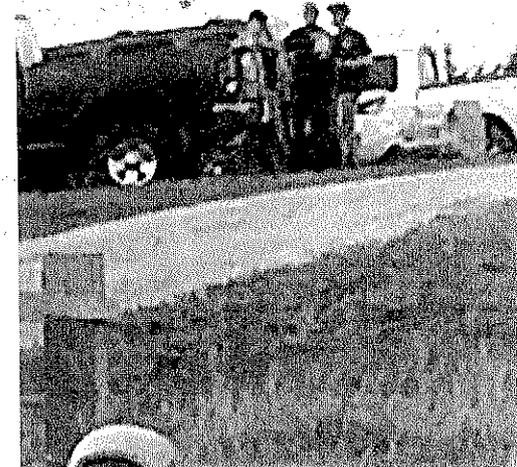
Concerns (continued)



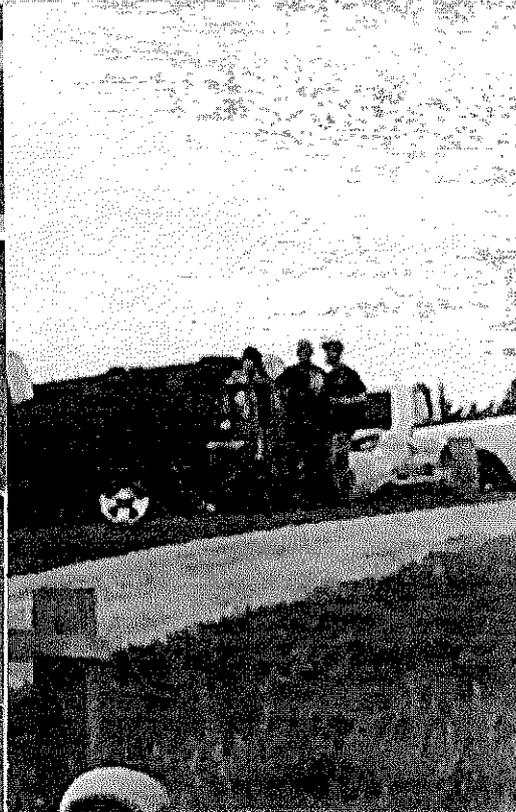
Concerns (continued)

7) Wildfire Concerns

- What is the fire control plan if a grass fire breaks out in this grass parking lot with 100+ vehicles?
- It is a potentially very dangerous situation.
- The Pleasant Dale Fire Department (who covers this area) is a rural fire department.
- **Fire Chief Jeff Oehm has expressed concerns since there is no fire hydrant or way to put out fires and water would need to be hauled from Pleasant Dale which would be 6 miles away**



Wildfire Risk is a Significant Concern



- With a lot of vehicles parked on the grass, there is a legitimate concern with wildfires starting (when there are drier conditions).
- We have seen people smoking and put out there cigarettes in the grass.
- This area is a very high percentage of pasture & CRP grass (thousands of acres) which is a significant concern (see circle on bottom left picture designating Hillside Events)
- The “Article 13 Special Permit” specifically states under aa) 5) “Driveways and parking areas shall be provided with an all-weather (gravel or rock).... That is not the case
- #8 states that the parking area shall not exceed 15,000 square feet which is significantly exceeded

Evacuation (or entry of emergency personnel) would not be able to enter to fight a fire, etc. anywhere other than the small driveway.



One Small Driveway (directly north of our property)

Which is also why traffic backs up on West Denton Road when large groups of people show up (100 to 150 vehicles) is not realistic. This has caused near misses due to all of the dust affecting vision and could lead to an accident.

How would this work during West Denton Road Construction? When there is more traffic on West Denton Road?



How Can This Be Considered a “Home Based Business”

“Hillside Events” Advertising

- See website:
- <http://hillsideevents.weebly.com/>
- <https://www.facebook.com/HillsideEvents/>
- They even advertise for an “entire weekend” for \$2,000. Is that a “home based business?”
- How could this even be regulated? Would people be camping there? This simply cannot happen and is in no way does it fit the definition of a “home based business”
- The fact that they have been advertising and already contracted events without proper approval and against zoning regulations brings up significant concerns... about how the “home based business would be run”

“County planning staff have worked to help the businesses apply for special permits that would allow them to continue operating as home businesses.” LJS – 5/10/16

- In what context is this “event center” where up to 300 people would attend and disrupt the area and cause all of the issues mentioned and a risk of wildfires considered a home business?
- What kind of precedent does that set? What is next, strip clubs in our backyards? This sets a dangerous and reckless precedent if rules are bent to the extent that this is considered a home business.
- It is RECKLESS....

From Staff Report – SP16021

(e) Driveways and parking areas shall be provided with an all-weather (gravel or rock) surface to minimize dust and mud.

The main parking area is gravel and can accommodate 53 vehicles. The overflow parking is shown on a grass area and can hold an additional 52 vehicles. The applicant is requesting a waiver to the gravel requirement for the overflow parking. The parking should be screened.

(h) Outside area used for work area, storage or other business activity (of vehicles, equipment, or materials used in the business) and parking shall not exceed 15,000 square feet.

The parking area shown on the site plan is approximately 15,587 sq. ft. with an additional 24,426 sq. ft. for overflow parking. The ceremony area is 7,812 sq. ft. The total of all outside area is 47,825 sq. ft. The applicant is requesting a waiver to allow more than 15,000 sq. ft.

Who is looking out for the concerns for fires? Why is it okay to waive the requirement of rocking the driveway? It is not okay and it puts the surrounding area and those at Hillside Events at risk.

From Staff Report – SP16021

(i) All outside business related activity shall be located at least 200 feet from all premise property lines and shall be visually screened from public streets and adjacent property lines. Said visual screening shall be approved as part of the special permit

The ceremony area and the outside patio are within 200 feet of the east property line. There is no screening along the east property line. The applicant is requesting a waiver to the 200 feet separation and the screening. Planning supports the waiver to the 200 feet separation, but not for the screening.

(j) Health Department regulations and all other County, State, and Federal rules and regulations shall apply. The Health Department may require dust control of nearby unpaved roads to mitigate the impact of traffic approaching and leaving the premise.

West Denton Road and SW 126th Street are both gravel roads. West Denton road is scheduled to be paved from SW 112th Street to the County line in summer or early fall 2016.

#9) All outside business related activity shall be located at least 200 feet from all premise property lines and shall be visually screened from public streets and adjacent property lines. Said visual screening shall be approved as part of the special permit

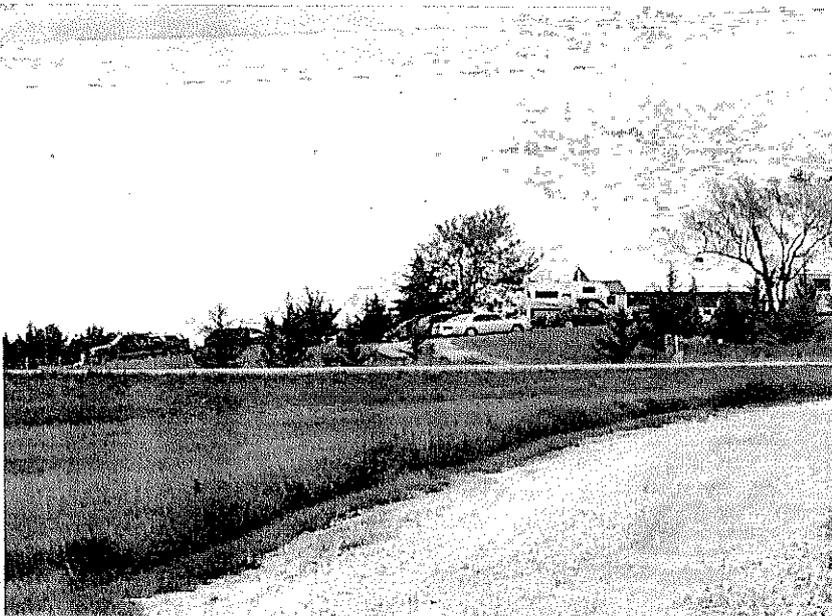
(l) All outside business related activity shall be located at least 200 feet from all premise property lines and shall be visually screened from public streets and adjacent property lines. Said visual screening shall be approved as part of the special permit

The ceremony area and the outside patio are within 200 feet of the east property line. There is no screening along the east property line. The applicant is requesting a waiver to the 200 feet separation and the screening. Planning supports the waiver to the 200 feet separation, but not for the screening.

- Why is there nothing about the view to the south? Why was this left out? The item is specific in stating, "all outside business related activity shall be located at least 200 feet from all premise property lines and shall be visually screened from public streets and adjacent property lines.

Why is there nothing about screening to the south? This is the view from our driveway (after trees moved) on 5/21/16

View From Our Driveway



- We are expanding our fenced area and will have horses directly on the other side of this (to the right of the driveway) and that is just across the road from this noise, lights, and people being loud.
- How can the people or our horses be safe???

Based on factual evidence, the Smiths will not “comply with rules and regulations set forth” based on what has transpired thus far.

----- Forwarded message -----

From: Tom J. Cajka <tcajka@lincoln.ne.gov>

Date: Mon, May 2, 2016 at 9:21 AM

Subject: RE: SP16021 Hillside Events (12400 West Denton Road) Expanded Home Occupation Permit & Safety Concerns with Location, Etc. & Unregulated Alcohol Serving & Consumption

To: Sean Fintel <sean.fintel@gmail.com>

I wanted to let you know that Planning has turned this over to Building and Safety Department to be treated as a violation of the zoning ordinance. Building and Safety is the enforcement agency. Planning, Building and Safety and the County Attorney's Office have all advised the owners to cease operations until they have the special permit and their building is in compliance with all building codes.

Tom Cajka, Planner II

County Planner

Lincoln-Lancaster County Planning

402-441-5662

1) Did they comply with this????

2) No.

3) So why would they comply with any other rules and regulations?

4) They have shown a disregard for the concerns of the neighbors and of the county attorney and of building and safety.

From Staff Report – SP16021 “Conclusion” Page 1

CONCLUSION:

This special permit for Expanded Home Occupation to allow large gatherings, such as wedding receptions, should have minimal impact on adjacent properties given the site plan and proposed conditions. The nearest property is approximately 700 feet away. The waiver to allow the overflow parking not be gravel is acceptable since the parking area is grass and any dust would be minimal. In addition there is a gravel parking area for 53 vehicles. The waiver to exceed the 15,000 square feet limit for outdoor areas is acceptable based on the amount of area needed for parking for large events. In conclusion the use is acceptable with limitation on size and number of large events.

Why is there no mention nor acknowledgement of the concerns that have been raised over the last month? How can you say, “should have minimal impact on adjacent properties given the site plan and proposed conditions”

Why is there only mention of “parking not be gravel is acceptable since the parking area is grass and any dust would be minimal.” What about the fire concerns?

“The business should not DETRACT from the PEACE and ENJOYMENT of SURROUNDING PROPERTIES.”

As state in the Lancaster County Zoning Regulations updated in 2009, “the intent was to allow SMALL family owned business to operate out of their HOMES. The business is to be an ACCESSORY to the residential use of the property and operated by the FAMILY occupying the residence. The business should not DETRACT from the PEACE and ENJOYMENT of SURROUNDING PROPERTIES.”



Please Help Us Stay Safe By Denying This Permit.

- The business should not DETRACT from the PEACE and ENJOYMENT of SURROUNDING PROPERTIES.”
- This is simply not the location for an “event center” such as this. This is “not in the middle of nowhere”, it is amongst people who want and deserve peace and quiet and a safe place to live with their families and animals.
- This can only bring the concerns above to the area and profit to the Smiths at the expense of the neighboring properties in terms of peace of mind, safety, and property value.
- Are the risks worth the perceived “rewards”?



Will Changes Be Made? I Pray That Does Not Happen...

Subject: Expanded home-based businesses in rural areas

Attached is the report you requested on options for expanding home businesses in rural areas of the county. Mike Dekalb and I would be glad to discuss the findings and recommendations in detail at one of your upcoming "staff" meetings.

The Planning Department does not support amending the codes to lift the current home business restrictions. We believe that Lancaster County is blessed with a rural environment in which businesses uses aside from farming are rare, and this is a part of the quality of life enjoyed by many residents in Lincoln and the small towns as well as its rural areas. Along with other county departments, we are concerned that opening up business uses will prove to be an administrative burden that will require more resources to administer. However, we recognize that a number of other counties do have more flexible provisions for home-based businesses in their rural areas. So we have laid out a set of recommendations if the Board desires to pursue those types of amendments. These include:

- 1) Limit business expansion in rural areas to home-based businesses;
- 2) Approve any expanded home businesses on a case-by-case basis, by special permit;
- 3) Limit the sites for these special permits to lots of at least 10 acres in the Agricultural District; and
- 4) Specify other conditions of approval in the code to protect nearby residents, including a limitation on the number of non-family employees working on-site, place limitations on inside floor area and outside area for work and parking and storage, and require setbacks and screening from nearby properties and streets.

If the County Board desires to proceed further with considering this idea, it would be appropriate to:

- 1) Bring the City Council into the process, by briefing them separately or at an upcoming Common meeting. The Council has zoning jurisdiction over a major part of the unincorporated area and it would be preferable to have the same requirements for both jurisdictions.
- 2) Solicit the opinions of the smaller towns in the county, at an upcoming village meeting. Up til now, staff has pointed to these towns along with Lincoln when prospective businesses are seeking locations in which to operate. And

From: Expanded Home Occupations In Rural Areas - Lincoln Lancaster County
Planning Department - December 18, 2008

- What (if anything) has changed since 2008?
- This states very well, *"The Planning Department does not support amending the codes to lift the current home business restrictions. We believe that Lancaster County is blessed with a rural environment in which business uses aside from farming are rare, and this is a part of the quality of life enjoyed by many residents in Lincoln and the small towns as well as its rural areas. Along with other county departments, we are concerned that opening up business uses will prove to be an administrative burden that will require more resources to administer."*

Multiple Reasons Based on Background & Documented Issues as to Why SP16021 Should NOT Be Approved and Why There Should be Concerns That This Will Be Managed Appropriately

----- Forwarded message -----
From: Tom J. Cajka <tcajka@lincoln.ne.gov>
Date: Mon, May 2, 2016 at 9:21 AM
Subject: RE: SP16021 Hillside Events (12400 West Denton Road) Expanded Home Occupation Permit & Safety Concerns with Location, Etc. & Unregulated Alcohol Serving & Consumption
To: Sean Fintel <sean.fintel@gmail.com>

I wanted to let you know that Planning has turned this over to Building and Safety Department to be treated as a violation of the zoning ordinance. Building and Safety is the enforcement agency. Planning, Building and Safety and the County Attorney's Office have all advised the owners to cease operations until they have the special permit and their building is in compliance with all building codes.

Tom Cajka, Planner II

County Planner

Lincoln-Lancaster County Planning

402-441-5662

- 1) Lack of appropriate permits ahead of time and they have shown that there may be issues with "respect with authority" when they were allowed to proceed in the interim on a "probationary basis" and **have also been told to "cease operations" on 5/2 and still proceeded and potentially put people at risk.**
- 2) Issues with "wastewater treatment system" that they did on their own – shows potential for a lack of "following rules" which would be very important when it comes to essentially self-regulation.
- 3) **Significant issue with proximity to neighboring property (Wulf) to the east (~84 feet) which is well below the 200 feet requirement.**
 - This is very important considering they plan to have horses on this property. The right to farm policy should preclude any encroachment with something like this.

- 4) Multiple items that would require multiple waivers that if approved will significantly affect the neighboring properties (and this has already been documented that there are problems)
- 5) **Lack of sufficient screening (even after the trees they have moved in) on the south and east side of the property.**
- 6) **Public safety concerns including lack of ability to respond to issues and for attendees to evacuate and for emergency personnel to arrive in small driveway.**
- 7) **Wildfire concerns from people smoking and putting out cigarettes in the grass parking lot area.**
- 8) **Proceeding with "special designated liquor license" and putting a vendor at risk when they were to cease operations (for May 21st)**
- 9) Concerns with the design of the road currently (and issues with dust and the inherent health concerns) and even when it is paved, it will not be able to safely handle that many people entering this commercial business without a turn lane.
- 10) Documented issues including:
 - Crowd, light, and noise control
 - Increased litter in the area
 - Trespassing (on our property and another property to the east)
 - Mr. Ballentine (in his letter) mentioned a theft issue (report on file in April)
 - Impeding traffic on West Denton Road
 - Building and safety code concerns
 - Issues with "keeping the peace" among their neighbors
 - Reckless driving and harassment issues by people at the "Hillside Events"

Summary of Events in 2016 at Hillside Events According To My Records

8 Events

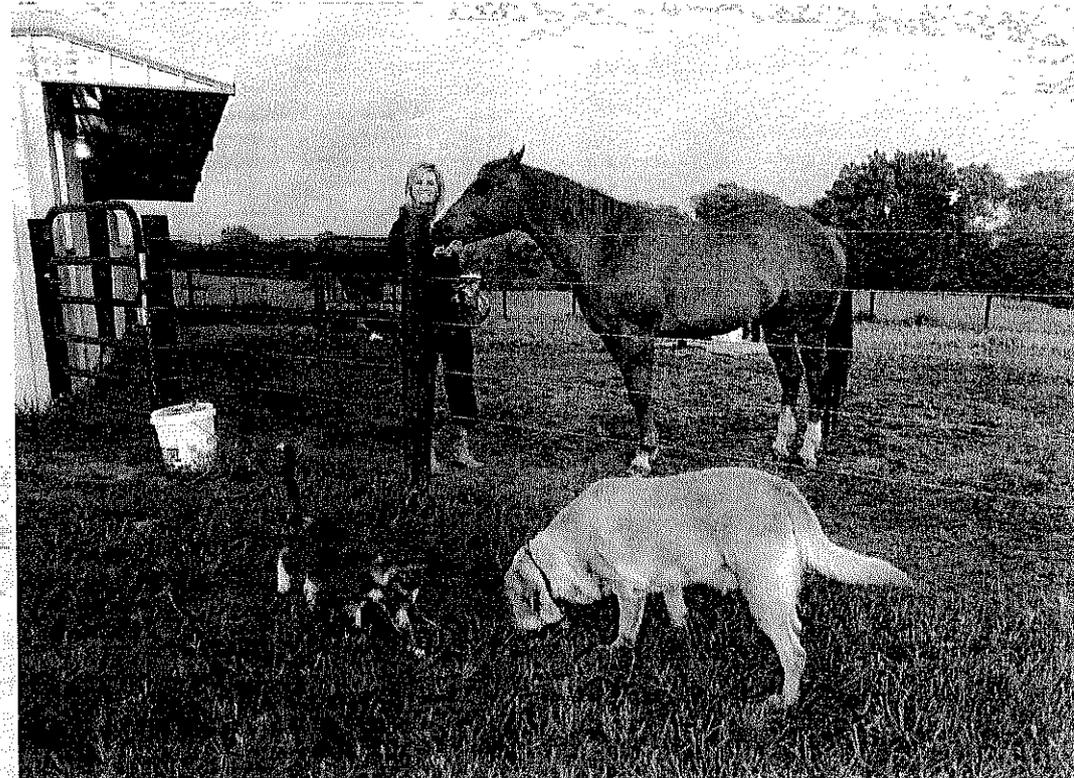
- **April 23rd** – First event in 2016 that we were aware of. We informed the Smiths about our concerns with the level of music and intensity of lights shining into our house in person (on April 24th).
- **April 30th** – I called Mr. Smith and then texted with concerns and our concerns were essentially ignored, even though I asked very nicely and professionally during the phone call. It is my understanding that a deputy (Deputy Brabec) later called and asked them to turn down music and lights.
- **May 7th** – Crowd control issues, people cussing, yelling, and cussing to us in a threatening manner. – Deputies were called and one showed up to address issues.
- **May 14th** – Multiple neighbors called with issues including trespassing, loud music, and crowd control issues. Three deputies came first time and they also came later when other neighbors called.
- **May 21st** – That is the date that Mr. Hunzeker is referring to regarding the special designated license. I called Ken's Kegs to inform them about Hillside Events being "advised to cease operations" (on May 20th) and they were appreciative because they were not told by the Smiths. The special designated license was not utilized is my understanding. However, no deputies were called because there wasn't an issue.
- **May 28th** – Trespassing issue on our property and loud music and loud, cussing people. Three deputies came.
- **June 4th** – A wedding only with no reception (that is our understanding) – No issues.
- **June 25th** – Criminal harassment issue from someone departing Hillside Events at 8:26 PM, Reckless Driving / Endangerment Issue & Loud Music Issue at 10:11 PM – Multiple calls from multiple neighbors. One deputy came the first time and two deputies the 2nd time.

What is the common denominator?

- Of these 8 events, when alcohol was served or brought to Hillside Events, there were issues with all of them.
- When there is alcohol involved, that is when the issues including public urination, drinking in parking lot, trespassing, harassment, and reckless endangerment / driving issues have occurred.
- When there was not alcohol on June 4th, and no late reception on the 21st (and special designated liquor license not used), we did not have any issues nor did neighbors (as far as I am aware) report any issues to the Sheriff.
- Alcohol in this environment where people come and go and the Smiths admit "random people show up" (at hearing on May 25th) = troubles and an accident waiting to happen.

Summary

- We respectfully ask that you **do not approve** this expanded home occupation permit for 12400 West Denton Road
- It is too close to other neighbors and the majority in the area oppose it.
- The Smiths have simply been disrespectful to their neighbors and to authority. They have not listened to their neighbors concerns. I don't need to go into that any further. It is just unfortunate.
- Considering the proper approvals were not received prior to booking events shows that there should be concern as to whether rules and regulations will be followed if this were approved.
- The reasons that I have presented are reasonable and factual.
- **Thank you for your time**



Summary of Events in 2016 at Hillside Events According To My Records

8 Events

- **April 23rd** – First event in 2016 that we were aware of. We informed the Smiths about our concerns with the level of music and intensity of lights shining into our house in person (on April 24th).
- **April 30th** – I called Mr. Smith and then texted with concerns and our concerns were essentially ignored, even though I asked very nicely and professionally during the phone call. It is my understanding that a deputy (Deputy Brabec) later called and asked them to turn down music and lights.
- **May 7th** – Crowd control issues, people cussing, yelling, and cussing to us in a threatening manner. – Deputies were called and one showed up to address issues.
- **May 14th** – Multiple neighbors called with issues including trespassing, loud music, and crowd control issues. Three deputies came first time and they also came later when other neighbors called.
- **May 21st** – That is the date that Mr. Hunzeker is referring to regarding the special designated license. I called Ken's Kegs to inform them about Hillside Events being "advised to cease operations" (on May 20th) and they were appreciative because they were not told by the Smiths. The special designated license was not utilized is my understanding. However, no deputies were called because there wasn't an issue.
- **May 28th** – Trespassing issue on our property and loud music and loud, cussing people. Three deputies came.
- **June 4th** – A wedding only with no reception (that is our understanding) – No issues
- **June 25th** – Criminal harassment issue from someone departing Hillside Events at 8:26 PM, Reckless Driving / Endangerment Issue & Loud Music Issue at 10:11 PM – Multiple calls from multiple neighbors. One deputy came the first time and two deputies the 2nd time.

What is the common denominator?

- Of these 8 events, when alcohol was served or brought to Hillside Events, there were issues with all of them.
- When there is alcohol involved, that is when the issues including public urination, drinking in parking lot, trespassing, harassment, and reckless endangerment / driving issues have occurred.
- When there was not alcohol on June 4th, and no late reception on the 21st (and special designated liquor license not used), we did not have any issues nor did neighbors (as far as I am aware) report any issues to the Sheriff.
- Alcohol in this environment where people come and go and the Smiths admit "random people show up" (at hearing on May 25th) = troubles and an accident waiting to happen.

Multiple Reasons Based on Background & Documented Issues as to Why SP16021 Should NOT Be Approved and Why There Should be Concerns That This Will Be Managed Appropriately

----- Forwarded message -----

From: Tom J. Cajka <tcajka@lincoln.ne.gov>

Date: Mon, May 2, 2016 at 9:21 AM

Subject: RE: SP16021 Hillside Events (12400 West Denton Road) Expanded Home Occupation Permit & Safety Concerns with Location, Etc. & Unregulated Alcohol Serving & Consumption

To: Sean Fintel <sean.fintel@gmail.com>

I wanted to let you know that Planning has turned this over to Building and Safety Department to be treated as a violation of the zoning ordinance. Building and Safety is the enforcement agency. Planning, Building and Safety and the County Attorney's Office have all advised the owners to cease operations until they have the special permit and their building is in compliance with all building codes.

Tom Cajka, Planner II

County Planner

Lincoln-Lancaster County Planning

402-441-5662

- 1) Lack of appropriate permits ahead of time and they have shown that there may be issues with "respect with authority" when they were allowed to proceed in the interim on a "probationary basis" and **have also been told to "cease operations" on 5/2 and still proceeded and potentially put people at risk.**
- 2) Issues with "wastewater treatment system" that they did on their own – shows potential for a lack of "following rules" which would be very important when it comes to essentially self-regulation.
- 3) **Significant issue with proximity to neighboring property (Wulf) to the east (~84 feet) which is well below the 200 feet requirement.**
 - This is very important considering they plan to have horses on this property. The right to farm policy should preclude any encroachment with something like this.

4) Multiple items that would require multiple waivers that if approved will significantly affect the neighboring properties (and this has already been documented that there are problems)

5) **Lack of sufficient screening (even after the trees they have moved in) on the south and east side of the property.**

6) **Public safety concerns including lack of ability to respond to issues and for attendees to evacuate and for emergency personnel to arrive in small driveway.**

7) **Wildfire concerns from people smoking and putting out cigarettes in the grass parking lot area.**

8) **Proceeding with "special designated liquor license" and putting a vendor at risk when they were to cease operations (for May 21st)**

9) Concerns with the design of the road currently (and issues with dust and the inherent health concerns) and even when it is paved, it will not be able to safely handle that many people entering this commercial business without a turn lane.

10) Documented issues including:

- Crowd, light, and noise control
- Increased litter in the area
- Trespassing (on our property and another property to the east)
- Mr. Ballentine (in his letter) mentioned a theft issue (report on file in April)
- Impeding traffic on West Denton Road
- Building and safety code concerns
- Issues with "keeping the peace" among their neighbors
- Reckless driving and harassment issues by people at the "Hillside Events"

WOLFE, SNOWDEN, HURD, LUERS & AHL, LLP

JACK G. WOLFE
JAMES A. SNOWDEN
JOHN C. HURD
JAMES B. LUERS
STEPHEN L. AHL
DEAN J. SITZMANN
WILLIAM L. TANNEHILL
MELANIE J. WHITTAMORE-MANTZIOS
RENEE EVELAND
ERIN C. DUGGAN PEMBERTON
KRISTA M. CARLSON
JOHN P. WEIS
CHRISTOPHER W. PETERSON

tabbies®
EXHIBIT
E

WELLS FARGO CENTER
1248 O STREET, SUITE 800
LINCOLN, NEBRASKA 68508-1424
(402) 474-1507
FAX (402) 474-3170
www.wolfesnowden.com

June 23, 2016

RECEIVED

JUN 27 2016

LANCASTER COUNTY
BOARD

Lancaster County Board of Commissioners
Attention: Roma Amundson, Chair
555 S. 10th Street, Room 110
Lincoln, Nebraska 68508

Re: Special Permit #16021-for expanded
home occupation to allow a venue for
large gatherings (12400 W. Denton Rd.)

Dear Ms. Amundson:

Please consider this correspondence as my client's objection to the application for Special Permit #16021.

As proposed, this is a commercial enterprise in the middle of a low density residential and agricultural community. As noted in the Staff Report, multiple waivers or modifications of the existing regulations have been requested. These items which are being asked to be waived have already been ignored by the applicants. This is a classic case of seeking forgiveness rather than seeking permission.

The Lancaster County zoning regulations which were amended in September of 2009 allowed for expansion of home occupation by special permit, but the intent was to allow small family owned businesses to operate out of their homes. The business was intended to be an accessory to the residential use of the property and operated by the family occupying the residence. The business should not detract from the peace and enjoyment of the surrounding properties.

A close reading of the Staff Report outlines very clearly that the applicants have been violating the Zoning Ordinance in the past. The reconstruction of the barn did not have permits or inspections, and no permit was secured for the installation of the wastewater treatment system.

The applicant's stated intent to use independent contractors is a feeble attempt to circumvent that no more than two (2) persons who are not members of the family residing on the premises be employed to carry out the occupation or activity on the premises.

Lancaster County Board of Commissioners
June 23, 2016
Page 2

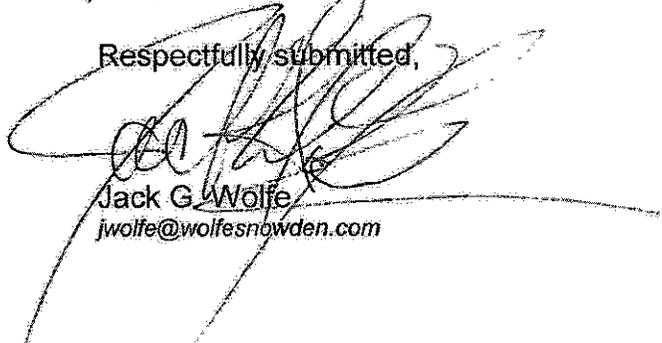
The proposed ceremony area and the outside patio are within 200 feet of the east property line. The applicant is requesting a waiver to the 200-foot separation which is required by the regulations.

All of the waivers requested on page 8 of the Staff Report relate to changing the character of this real estate from residential/agricultural to commercial/business. The parking lots, the size of the outside area, the proximity of the activity to the property line, and the number of employed persons all relate to a commercial/business enterprise.

Given the applicant's total disregard for necessary permits, rules and regulations for the operation of this commercial enterprise, we would suggest that there is no basis for the County to rely upon the applicant's assurance that all conditions, rules, regulations, laws and permit requirements would be followed.

For the above and foregoing, I respectfully request that the Lancaster County Board of Commissioners follow the recommendation of the Lincoln-Lancaster County Planning Commission and deny the request for Special Permit #16021.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Jack G. Wolfe', is written over the typed name and email address.

Jack G. Wolfe
jwolfe@wolfesnowden.com

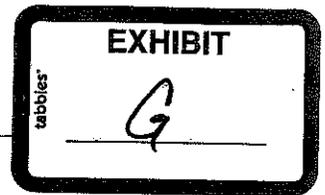
JGW:bds

pc: Board of Commissioners Members
Linda K. Wolfe, Trustee of the Linda K. Wolfe Trust





STATE OF NEBRASKA



Pete Ricketts
Governor



Jim Heine
Fire Marshal

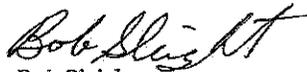
05/20/16

Tyler & Melissa Smith
Hillside Events
12400 West Denton Road
Denton, NE. 68339

Mr. & Mrs. Smith

On 4/19/2016 your facility Hillside Events was inspected by the State Fire Marshal's Office after receiving a concern regarding life safety. Orders were written by Deputy Clint Rossman regarding life safety issues on May 18, 2016. On May 20, 2016 I received a plan of correct from Hillside Events, that plan of correction was reviewed and was found to be acceptable. Please be advised that it is important that you follow the plan of correction that was submitted to this Office and approved.

Please be advised that with the approval of your plan of correction you may operate your business until you are approved for occupancy or the final date listed on your plan of correction.


Bob Sleight
Chief Deputy
NE State Fire Marshal

MAIN OFFICE
 DISTRICT A
246 South 14th Street
Lincoln, NE 68508-1804
(402) 471-2027

DISTRICT B
438 West Market
Arlington, NE 68620-1241
(402) 395-2164

FUELS DIVISION
 FLST Pipeline
246 South 14th Street
Lincoln, NE 68508-1804
(402) 471-9965

TRAINING DIVISION
3347 W Capital Ave
Grand Island, NE 68801
(308) 385-6892

STATE OF NEBRASKA*STATE FIRE MARSHAL
246 SOUTH 14TH STREET
LINCOLN, NE 68508-1804

Page 3 of 3

Hillside Events response:

1. Hillside Events will have plans submitted by 5/30/16 to the Fire Marshall's office. We are currently in the process of contacting architect and engineer to get plans finalized.
2. Hillside Events shall submit plans for the fire alarm system by 5/30/16. We are working with our architect to get the fire alarm system finalized.
3. Depending on final outcome of meeting Hillside Events may or may not be required to install a fire alarm system. If a system is required plans will be submitted by 5/30/16.
4. The plans for the north exit walkway will be submitted on the plans in number 1 by 5/30/16.
5. The thresholds will be replaced by with the correct thresholds by 6/10/16. It will take a few weeks to get the thresholds here, as we have to order them and have them shipped.
6. The main exit door levelness will be corrected by 6/30/16
7. The main exit door and the northwest exit shall swing in the direction of egress. The main exit door swings in the direction of egress currently. The northwest exit door will be turned around so it will swing in the direction of egress, the northwest door will be corrected by 5/21/16 prior to our next event.
8. Panic hardware will be installed prior to our next event on 5/21/16 on both the main door and the northwest door.
9. Plans will be submitted by 5/30/16 with a plan for occupant load number, we are currently working with our architect on finalizing the plans. In the meantime events inside the building will be kept under 200 people. Upon request we can submit events booked and number of guests for each event.
10. Plans will be submitted by 5/30/16 with a plan for occupant load number, we are currently working with our architect on finalizing the plans. In the meantime events inside the building will be kept under 200 people. Upon request we can submit events booked and number of guests for each event.
11. Plans for emergency lighting inside of the building will be submitted with the plans in number 1 by 5/30/16, emergency lighting will be installed by 7/19/16. It will take a few weeks to get the lighting order in, then another week or two to get them installed and a few weeks to get all proper permits pulled.
12. Plans for emergency lighting outside of the building will be submitted with the plans in number 1 by 5/30/16, emergency lighting will be installed by 7/19/16. It will take a few weeks to get the lighting order in, then another week or two to get them installed, and a few weeks to get all proper permits pulled.
13. Hillside Events will provide documentation of the flame spread rating by 7/30/16. If we cannot, we will apply another product to meet the rating by 7/30/16.
14. Hillside Events will provide inspections and approval for electrical by 6/30/16, as we are currently working with building and safety with an exact plan.
15. Hillside Events will identify the building with a sign by 7/30/16

Thank you,

Melissa and Tyler Smith
Hillside Events

Hillside Events Dates and sizes of parties:

5/21 Wedding and reception 150-175 people
5/28 Wedding and reception 150 people
6/4 Wedding only (outside) 275 people
6/16 Wedding and reception 200 people
6/25 Wedding and reception 200 people
7/16 Wedding only (outside) 300 people
8/13 Wake for deceased 100 people
8/20 Wedding only (outside) 200 people
9/3 Wedding and reception 200 people
9/4 Wedding and reception 200 people
9/10 Wedding and reception 175 people
9/16 Wedding and reception 150 people
9/17 Wedding only (outside) 250 people
9/24 Wedding and reception 100 people
10/1 Wedding and reception 275 people
10/7 Wedding and reception 200 people
10/8 Wedding and reception 200 people
10/15 Wedding only (outside) 300 people

APPROVED

By Bob Sleight at 2:39 pm, May 20, 2016

NSFM-02.2001

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, JUNE 28, 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 June 24, 2016.

Commissioners present: Roma Amundson, Chair; Todd Wiltgen Vice-Chair; Bill Avery, Larry Hudkins and 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; and Kelly Lundgren, County Clerk's Office

The Chair called the meeting to order at 10:25 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, June 21, 2016.

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

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, Schorr, Wiltgen, Avery and Amundson voted aye. Motion carried 5-0.

3) NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:

- A. Mitchel, Cynthia and Jessica Bauman**
- B. Jessica and Nathan Maahs**

Scott Gaines, Deputy Assessor/Register of Deeds, stated the two notices correct the location of a new home. He said it was previously located on the incorrect parcel.

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

4) PUBLIC HEARING:

A. Motor Vehicle Tax Exemption Applications

**The American Legion, Department of Nebraska
Christian Retirement Homes, Inc. d/b/a Eastmont Towers
College View Academy
Epona Horse Rescue
Indian Hills Community Church
Lancaster County Child Guidance Center
Tabitha, Inc.
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.

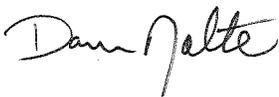
MOTION: Wiltgen moved and Hudkins seconded approval of the exemptions. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

5) 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.

6) ADJOURNMENT

MOTION: Schorr moved and Wiltgen seconded to adjourn the Lancaster County Board of Equalization meeting at 10:29 a.m. Wiltgen, Schorr, Hudkins, Avery and Amundson voted aye. Motion carried 5-0.



Dan Nolte, County Clerk

