

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**MEETING WITH REPRESENTATIVES OF LANCASTER COUNTY VILLAGES**  
**COUNTY-CITY BUILDING, ROOM 113**  
**THURSDAY, JULY 15, 2010**  
**8:00 A.M.**

County Commissioners Present: Bernie Heier, Chair; Ray Stevens, Vice Chair; Larry Hudkins, Bob Workman and Deb Schorr

Village Representatives: Dell Vedder, Bennet Village Board; Brett Young, Bennet Village Board; Patricia Rule, Bennet Village Clerk; Vicky Polak, Hallam Village Clerk/Treasurer; Brett Baker, Hickman City Administrator/Economic Development Director; Nadine Link, Malcolm Village Clerk; Nancy Niemann, Raymond Village Clerk; Kristi Janda, Roca Village Clerk; Mike Werner, Waverly Mayor; and Doug Rix, Waverly City Administrator/Clerk

Others Present: John Spatz, Lincoln City Council Chair; Tonya Peters, Assistant City Attorney; Kerry Eagan, County Chief Administrative Officer; Gwen Thorpe, Deputy County Chief Administrative Officer; Norm Agena, County Assessor/Register of Deeds; Terry Adams, Deputy County Treasurer; Terry Wagner, Lancaster County Sheriff; Bill Jarrett, Chief Deputy Sheriff; Captain Joy Citta, Lincoln Police Department (LPD); Investigator Russ Fosler, Liquor & Vice Division, LPD; Nicole Fleck-Tooze, Long-Range Planning Manager, Planning Department; Cori Beattie, Deputy County Clerk; Ann Taylor, County Clerk's Office; and Leslie Reed, Omaha World-Herald Newspaper

Bernie Heier, County Board Chair, called the meeting to order at 8:30 a.m.

**AGENDA ITEM**

**1 RECEPTION (8:00 - 8:30 A.M.)**

The County Board Chair welcomed village representatives and introductions were made.

**2 COMPREHENSIVE PLAN UPDATE - Mike DeKalb and Sara Hartzell, Planners**

Mike DeKalb and Sara Hartzell, Planners, gave a presentation on the Lincoln/Lancaster County 2040 Comprehensive Plan and Long Range Transportation Plan (Exhibit A). Information regarding a website ([www.lplan2040.org](http://www.lplan2040.org)) that allows citizens to submit ideas for improving Lincoln was also disseminated (Exhibit B).

Doug Rix, Waverly City Administrator/Clerk, suggested the communities unite and hire one consultant to assist with updates of their comprehensive plans and subdivision regulations.

Commissioner Stevens inquired about whether the Planning Department has any information regarding projected completion of the six-lane construction on Interstate-80. He also inquired about the South Beltway.

Nicole Fleck-Tooze, Long-Range Planning Manager, Planning Department, said they will try to locate that information.

Brett Baker, Hickman City Administrator/Economic Development Director, said in terms of the South Beltway, the Nebraska Department of Roads (NDOR) has purchased acquisition rights in the Hickman Road area.

Stevens said the County and City have invested funds for acquisition rights for the East Beltway.

### **3 BAR CLOSING HOURS AND LEGALIZATION OF ALCOHOL IN STATE PARKS**

John Spatz, Lincoln City Council Chair, presented a draft ordinance that would adopt a 2:00 a.m. closing time for bars within Lincoln (Exhibit C). He said the City has an Internal Liquor Committee (ILC) whose purpose is to work with the business community to create as safe an environment as possible in alcohol establishments. Spatz said the ILC was informed some of the surrounding communities were interested in moving to a 2:00 a.m. closing time. He said the ILC has concerns about having different closing times within the County, as people may travel from one community to another for an extra hour of drinking. Spatz said changes adopted by communities in surrounding counties will have an impact and suggested the need for a review in two years of any increases in protective custody services, calls for service, traffic accidents or violations, and criminal offenses involving alcohol.

Commissioner Heier noted that the County Board only has jurisdiction over bars that are in unincorporated areas and said those are few in number.

Commissioner Hudkins asked those in attendance whether they have discussed this issue in their communities.

Kristi Janda, Roca Village Clerk, said the bar in Roca closes when there is a lack of business so the Village Board did not feel action was necessary.

Commissioner Workman said he strongly opposes pushing back the closing time to 2:00 a.m and said he doesn't believe that once the change is made, it will ever go back.

Patricia Rule, Bennet Village Clerk, said the Bennet Village Board has not discussed the issue but did have concerns about “bar hopping” to take advantage of later closing times when the Bennet Square, which initially had a closing time of 11:00 p.m., went into operation a few years ago. She said the bar now has a closing time of 1:00 a.m.

Nancy Niemann, Raymond Village Clerk, said her Village Board is waiting to see whether the bar requests an extension but said she does not see it changing with the current makeup of the Village Board.

Nadine Link, Malcolm Village Clerk, said there is a consensus in her community to leave the closing time at 1:00 a.m.

Brett Baker, Hickman City Administrator/Economic Development Director, said the Hickman Bar & Grill has expressed some interest but said it will “hinge” on what Lincoln does.

Doug Rix, Waverly City Administrator/Clerk, said the Waverly City Council hasn't formally discussed the issue. He contacted a bar in Waverly and they did not express a strong feeling either way. Rix said the bar indicated it could not justify the overhead for an extra hour during weekdays but might be willing to try it on Fridays and Saturdays.

Brief discussion took place regarding law enforcement concerns.

Commissioner Schorr asked Spatz what he is hearing from Lincoln bar owners.

Spatz said there hasn't been an overwhelming push from the bar establishments to move to 2:00 a.m., although a few believe it is necessary to capture additional revenue from the new arena.

Tonya Peters, Assistant City Attorney, said the Nebraska Liquor Control Commission has a list on their website ([www.llc.ne.gov](http://www.llc.ne.gov)) of local governments that have filed 2:00 a.m. ordinances and said the City of Ashland appears to be the closest. She said the City of Omaha and Douglas County are included on the list. Peters said some individuals have indicated it is difficult to attract conventions because Lincoln has a 1:00 a.m. closing time.

Schorr said she will contact Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director, to see if that is anecdotal or a factor when booking conventions. She added that the issue may need to be revisited once the new arena is up and running.

Spatz indicated he would be willing to ask the ILC to meet in July to discuss this issue and suggested it would also be an appropriate topic for the City-County Common to discuss at their August meeting.

**MOTION:** Workman moved and Hudkins seconded to direct the County Attorney's Office to bring a resolution before the County Board at the August 10, 2010 County Board of Commissioner's Meeting that would retain the 1:00 a.m. closing hour for all bars in the County. Workman, Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 5-0.

Discussion also took place regarding the proposal to lift the ban on alcohol in State parks.

Terry Wagner, Lancaster County Sheriff, said he sent a letter of opposition to the Governor. He said Lancaster County has more state recreation and wildlife management areas than any other county in the State and a lift of the ban will increase his department's workload. **NOTE:** The Nebraska Game and Parks Commission has scaled back its enforcement duties.

Schorr said the County Board also sent a letter to the Governor regarding this issue and encouraged the village representatives to contact the Governor if they have similar concerns. She said the Board is willing to share their letter with the villages and asked Wagner to do the same.

Brett Baker, Hickman City Administrator/Economic Development Director, expressed concern that Hickman will need another deputy if the ban is lifted.

Spatz said the State collects an alcohol tax and said he believes it should be shared with the political subdivisions because they are responsible for enforcement.

#### **4 COUNTY WEBSITE - Gwen Thorpe, Deputy Chief Administrative Officer**

Gwen Thorpe, Deputy Chief Administrative Officer, stated the County has a new website ([www.lancaster.ne.gov](http://www.lancaster.ne.gov)) and encouraged the cities/villages to update their information. She also distributed brochures related to the Lancaster County Public Rural Transit Program (Exhibit D).

#### **5 OPEN DISCUSSION**

Patricia Rule, Bennet Village Clerk, said Bennet is finishing a water project and is starting a drainage study project. She said Bennet does have safety concerns regarding the 162<sup>nd</sup> Street and Highway 43 (148<sup>th</sup> Street realignment) exchange and suggested the need for a flashing light.

Hudkins said the Board will relay that concern to the County Engineer.

Heier noted the County Board approved a change of zone from Agricultural (AG) to Agricultural Residential (AGR) north of the Bennet Corner and asked the Planning Department to look at the section between the realigned 148<sup>th</sup> Street and Highway 2.

Rule said the Bennet Planning Commission is opposed to commercial development in that area.

Mike Werner, Waverly Mayor, said the Waverly City Council will be making a decision on whether to proceed with a \$15,000,000 viaduct or a \$850,000 "quiet zone" (a railroad grade crossing at which trains are prohibited from sounding their horns in order to decrease the noise level for nearby residential communities). He said they have been receiving a lot of calls regarding the lack of a pedestrian walkway on the Cannongate Overpass that spans Highway 6 and felt that could impact their decision on how to proceed.

Doug Rix, Waverly City Administrator/Clerk, said Waverly is also looking at instituting a city sales tax. He said 74% of the residents surveyed are supportive of the tax so it will probably be placed on the November ballot.

Werner also commented on a watershed study.

Brett Baker, Hickman City Administrator/Economic Development Director, reported on the Hickman viaduct project, a new water treatment plant, a regional trails plan, and a regional recreation/entertainment master plan project.

Vicky Polak, Hallam Village Clerk/Treasurer, said Hallam appreciates the County Board looking into the noise factor regarding a proposed wind farm in the Hallam area.

## **6 ADJOURNMENT**

By direction of the County Board Chair, the meeting was adjourned at 10:20 a.m.

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Dan Nolte  
Lancaster County Clerk