

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
MEETING WITH REPRESENTATIVES OF LANCASTER COUNTY VILLAGES
NEW LANCASTER COUNTY ADULT DETENTION FACILITY (LCADF)
3801 WEST "O" STREET
THURSDAY, MAY 2, 2013
8:30 A.M.

County Commissioners Present: Larry Hudkins, Chair; Brent Smoyer, Vice Chair; Deb Schorr, Jane Raybould; and Roma Amundson

Village Representatives: Nick Dittmer, Bennet Village Board; Pat Rule, Bennet Village Clerk; Charlotte TeBrink, Denton Village Clerk; Kelly Oelke, Hickman City Clerk; Nadine Link, Malcolm Village Clerk; Denise Saathoff, Malcolm Village Attorney; Nancy Niemann, Raymond Village Clerk; Mike Werner, Waverly Mayor; and Doug Rix, Waverly Village Clerk

Others Present: Kerry Eagan, County Chief Administrative Officer; Gwen Thorpe, Deputy County Chief Administrative Officer; Minette Genuchi, Administrative Assistant to the County Board; Brittany Behrens and John Watson, Deputy County Attorneys; Sara Hartzell, Planner; and Ann Taylor, County Clerk's Office

Larry Hudkins, County Board Chair, called the meeting to order at 9:48 a.m.

AGENDA ITEM

1 A) RURAL BUSINESS ADDRESSES; MULTI-OCCUPANT PRIVATE DRIVES; AND B) BURN PERMITS

A) Rural Business Addresses; Multi-Occupant Private Drives

Kerry Eagan, County Chief Administrative Officer, said a Sheriff's deputy was dispatched to a rural business that is located on a long private drive in the area of Highway 77 and Saltillo Road. The deputy was unable to locate the property because there were no address signs posted at either the entrance to the private drive, which serves multiple businesses with a range of addresses, or the individual businesses. He noted the County reviewed rural residential addresses in 1999 and corrected a number of addresses for public safety purposes. The Board decided to post uniform blue address signs in the County-owned right-of-way for each occupied rural residential parcel and at the entrance to private driveways serving multiple addresses. Businesses were not addressed at that time. The Board recently formed the Rural Business Address Committee to make recommendations regarding a policy governing business addresses.

The Committee made the following recommendations, which the Board has adopted (Exhibit A):

- Address signs should be posted on County roads for all businesses which are included in the County's address database:
 - Standards should be developed for the purpose of classifying which land uses should be included as a business for purposes of posting address signs.
 - Inaccurate business addresses should be corrected following the same procedure under which inaccurate residential addresses were corrected.
- The Lancaster County Board should pass a resolution requiring all occupied residential properties and all business properties to have address signs which meet County standards:
 - Residences and businesses located on private drives serving multiple properties should be required to provide the address sign at their own cost.
- The County should develop a strategy, with a funding plan, for replacement of worn out address signs located on County roads. Responsibility for sign placement should be placed with the County Engineer's Office.
- The County should work with the villages and cities in the County to implement these recommendations within their extra territorial zoning jurisdictions.

Eagan noted the County has interlocal agreements with all of the villages for addresses and will probably want to amend those to incorporate the recommendations. Eagan asked that the County Clerk's Office post the Committee's report and recommendations on the County's website.

Denise Saathoff, Malcolm Village Attorney, asked whether the signs can be obtained from the County. Eagan said that may be a possibility. Brittany Behrens, Deputy County Attorney, said the signs will need to be readily accessible for property owners to purchase and the sign requirements will need to be addressed in the Zoning Code and the Building Code.

Eagan added there will be a public hearing on the matter.

B) Burn Permits

Pat Rule, Bennet Village Clerk, said the Village of Bennet applied for an annual burn permit in December, which allows them to have a controlled burn of a large brush pile. She said their site is open to Lancaster County residents and they typically have a controlled burn once or twice a month. Rule said they didn't catch that they didn't

receive the burn permit back. A burn was called in on April 15th and was denied because they didn't have a permit. She said the application process has changed and they must now file a form each time they want to have a controlled burn. They are now required to state why the brush cannot be disposed of in any other manner and are responsible for determining air quality. Rule said the application also states fees for commercial or industrial are \$100 per day. She said Bennet charges for permits for using its compactor unit and questioned whether that puts Bennet in the commercial category. Rule said Bennet's Fire Chief is concerned that changing the process for controlled burns could be detrimental to air quality as there will be less control (residents outside the corporate limits may burn their own debris rather than having one controlled burn) and would place more demands on the volunteer fire department.

Raybould asked how far in advance of the burn must an application be submitted. Scott Holmes, Environmental Public Health Division Manager, Lincoln-Lancaster County Health Department (LLCHD), said a permit could be approved the same day.

Hudkins inquired about the changes to the permitting process. Holmes said the Health Department decided not to issue annual permits this year because of changes in the Environmental Protection Agency (EPA) requirements relative to protecting the public health from particulate matter (the changes were implemented in March, 2013). He said the levels were lowered which affects when burning permits can be issued. Holmes noted applicants have been required for many years to check air quality to indicate whether there is another practical method of disposal. He said the application form has been reformatted but the only change to content is requiring the applicant to identify whether there is another practical method, except open burning, which can be employed to dispose of the refuse. Holmes said that has been required by Code (County Zoning Resolution) for over 20 years. He said applicants had previously been asked to include it in the comment section.

Holmes said none of the issues Rule has raised relative to the Fire Chief's input have been discussed with the Health Department or brought to the Air Pollution Control Advisory Board. Rule said she did discuss these issues on the phone with Chris Schroeder, Supervisor, Air Quality Section, LLCHD. Schroeder explained that applicants can indicate a one or two month time period during which the burning will occur, rather than a single day, adding the Health Department understands that atmospheric conditions and the air quality index will be factors. He added that the Rural Fire Department has to sign off on the application. Holmes noted that the time in which Bennet requested the single-day permit is typically when there are controlled burns in Kansas, which affects air quality.

Holmes said if Bennet is operating a commercial disposal facility, it will be regulated by the State in a different manner. He explained that Bennet would not be charged a fee for receiving waste from residential properties but would be charged a fee for receiving waste from a commercial operation, such as a tree trimming business.

Rule expressed concern that open burning will eventually be banned. Holmes said the EPA would have to lower the levels much further for that to occur.

Schorr suggested that Holmes meet with the Bennet Village Board and the Rural Fire Chief to explain what is required.

Holmes said Bennet should ask to be scheduled on the next Air Pollution Control Advisory Board Meeting agenda to discuss its concerns, noting the other villages are welcome to attend.

ADDITION TO THE AGENDA

Extra Territorial Jurisdiction (ETJ) Issue (See May 5, 2013 Staff Meeting Minutes)

Kelly Oelke, Hickman City Clerk, discussed Hickman's decision to reduce and square-off its extra territorial jurisdiction (ETJ) rather than going with the traditional one-mile circular zoning jurisdiction. She said the intent was to make it easier for property owners who are trying to determine which zoning jurisdiction they were in for purposes of zoning regulations and building codes.

Sara Hartzell, Planner, said the County's Zoning Resolution states whenever any lands are ceded to the County's jurisdiction, they automatically revert to Agricultural (AG) zoning. She referred to a map showing the ETJ changes (Exhibit B) and said three parcels were identified as possibly needing a zoning change. She said it was determined that the parcel highlighted in the northeast portion of the map is appropriate to be changed to Agricultural Residential (AGR) as it had already been platted and is situated between AGR zoning (County jurisdiction) and R1 (Hickman's acreage zoning equivalent). The sliver of land highlighted in the northwest portion of the map is currently zoned AGR and is part of a larger area that underwent a zoning change to AGR in 1993. It was later changed to AGX (Hickman's agricultural zoning equivalent) as Hickman's ETJ moved north. Hartzell said it was recommended that the land be left AGR and the owner contacted to determine whether a zoning change is desired. The third parcel, located in the southwest portion of the map, is zoned AG and is next to a parcel zoned R1. She explained that changing it to AGR wouldn't allow them to subdivide it any further so it was left alone.

ROUNDTABLE DISCUSSION

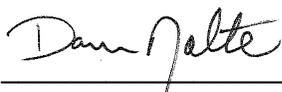
Hudkins asked the city/village representatives their minimum lot size within their one-mile zoning jurisdiction. Pat Rule, Bennet Village Clerk, said Bennet reduced its non-growth area to three acres. Bennet's growth area remains 10 acres. Doug Rix, Waverly Village Clerk, said Waverly bumped its minimum lot size from 10 to 20 acres approximately 12 years ago. Waverly also has a provision that allows a property owner to subdivide three acres provided they leave a balance of 20 acres. Nancy Niemann, Raymond Village Clerk, said Raymond's minimum lot size is 20 acres but it allows 3 acres with Agricultural Residential (AGR) zoning. Denise Saathoff, Malcolm Village Attorney, said Malcolm is at 20 acres. Charlotte TeBrink, Denton Village Clerk, said Denton's minimum lot size is 5 acres but it allows 3 acres for residential estates. Kelly Oelke, Hickman City Clerk, said Hickman allows lots of 3 acres.

Rix said Waverly learned the County will be resurfacing North 148th Street, from "O" Street to Interstate 80, and solicited a bid from the contractor to extend the resurfacing from Waverly's jurisdiction. He said they are also looking at entering into an interlocal agreement with the County for resurfacing of the section of road from Waverly's cemetery north to Highway 6.

Saathoff said the Malcolm Village Board recently implemented a paving district to improve a an asphalt road and wanted to issue a general obligation bond, which would spread the cost across all of the properties in Malcolm. She said residents who live on gravel streets did not feel they should have to help pay for the paving district. Saathoff said the Village Board has to decide whether to proceed with a general obligation bond or start the process over and do special assessments. She asked what the other cities and villages have done in similar situations. Oelke said Hickman recently did a paving district to pave all of its gravel roads and assessed the cost back to the property owners. Rix said Waverly does not assess for asphalt repairs. Mike Werner, Waverly Mayor, said they view it as a maintenance issue.

2 ADJOURNMENT

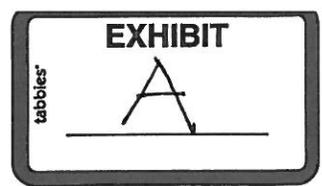
MOTION: Raybould moved and Amundson seconded to adjourn the meeting at 10:47 a.m. Amundson, Raybould, Schorr, Smoyer and Hudkins voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



NOTE: The following individuals joined the Commissioners and representatives of the County's cities and villages in a tour of the facility following the meeting: Marvin Kohout and Willis Luedke, Saline County Commissioners; Leroy Hanson, Saunders County Supervisor; Mary Koci, Seward County Commissioner; and Rick Freshman, Otoe County Commissioner.



REPORT AND RECOMMENDATIONS
RURAL BUSINESS ADDRESS COMMITTEE
April 18, 2013

INTRODUCTION

In February of 2013 the Lancaster County Board was contacted by 911 Emergency Services regarding a public safety issue involving the lack of address signs for businesses located in the vicinity of Saltillo Road and Highway 77. Specifically, a Lancaster County Sheriff deputy was dispatched to a business located at the address of 1066 Saltillo Road. Upon arrival at the scene, the deputy was unable to find the property in question. The business was located on a 1/3 mile long private drive serving multiple businesses, with a range of addresses from 1000 to 1082 Saltillo Road. An aerial photograph of this area is included with this report as Attachment A. Address signs are not posted at the entrance to the private drive nor at the individual businesses. Based on these facts, a request was made to post blue address signs at the entrance to the private drive. Recognizing that the lack of address signs for rural businesses is a county-wide public safety issue, the County Board organized a committee to examine the question and make a recommendation on a policy governing business addresses.

COMMITTEE MEMBERS

Committee members were selected based on their knowledge of the rural address system, direct involvement in the provision of emergency response services, and familiarity with laws and regulations relating to public safety issues. Based on these qualifications, the following City of Lincoln and Lancaster County employees were selected to serve on the Committee:

- Tara Garza, Emergency Services Dispatcher II/Tech Support for 911 Emergency Services
- Ryan Schmuecker, Lancaster County Deputy Sheriff
- Terry Kathe, Zoning Coordinator for the City of Lincoln Building and Safety Department
- Arlynn Brunke, Computer and GIS Support Assistant for the Lancaster County Engineer's Office
- Doug Pillard, Design Division Head for the Lancaster County Engineer's Office
- Brittany Behrens, Deputy Lancaster County Attorney
- John Watson, Deputy Lancaster County Attorney
- Kerry Eagan, Chief Administrative Officer to the Lancaster County Board

Support Staff - Minette Genuchi, Administrative Aide to the Lancaster County Board

BACKGROUND INFORMATION AND COMMITTEE DISCUSSIONS

In 1999 the Lancaster County Board of Commissioners received a report and recommendations from the Rural Address Committee, which was established by the County Board to examine the problem of inaccurate addresses in rural Lancaster County. Recommendations from the Committee included: creation of a parcel-based database for all rural addresses; correction of inaccurate addresses; establishment of a protocol for assignment of new addresses; and requirement of posting addresses on a mailbox or separate marker. Many of the recommendations from the Rural Address Committee have been implemented by the County. Utilizing GIS technology, a geocoding system was developed to assign addresses based on the location of the access point, a comprehensive database was established, a manager/custodian of the database was designated, and inaccurate residential addresses were corrected. Thereafter, blue address signs were posted in County-owned right-of-way for each occupied rural residential parcel, including parcels located within the extra-jurisdictional territory of cities and villages. With regard to private driveways serving multiple residences, blue signs are posted at the entrance to the private drive from the County road, but are not posted in front of each individual residence along the private drive. However, blue address signs have not been posted for rural businesses.

Committee discussions centered on the problems emergency responders experience in finding both business and residential properties located on private drives which serve multiple parcels. Since private drives are not part of the County road system, they are not named and identified in the 911 data base. Although an address is assigned to each business property, address signs for businesses are not posted where the private drive meets the public right-of-way, as they are for private drives serving multiple residences.

Moreover, even if addresses are posted at the entrance to multiple-parcel private drives a first responder may still have difficulty locating the parcel which generated the call for service. This problem is illustrated in Attachment B, an aerial view of a private drive near 98th Street and Leighton Ave serving 14 residential lots. Since clearly identifiable address signs are not posted at parcel entrances, it can be very difficult to ascertain the residence which needs assistance, especially at night.

It was the consensus of the Committee that public safety could be improved if: 1) address signs are posted on County roads for rural businesses; and 2) both residences and businesses located on multi-use private drives are required to provide a second address marker clearly visible to first responders. The Committee then discussed what steps would need to be taken to accomplish these goals.

Presently, the County has the authority to post address signs in the public right-of-way for businesses. However, it would need to be decided what types of land uses should be classified as a business for purposes of receiving an address sign. In general, uses which are more likely to result in a call for emergency services should be included. Examples might include commercial storage units, recreational fields/facilities, and camps, as well as more traditional business uses. The County Engineer's Office estimates there are approximately 120 rural businesses, including those located in the extra jurisdictional territories of cities and villages, which should be provided with address signs. Approximately 10 of these properties have inaccurate addresses which need to be corrected. An individual sign and post costs \$10, and the labor to install the signs is

provided by the Engineer's Office.

Also, the County Attorney's Office indicates general statutory authority exists under the County's zoning authority to require individual property owners to post address signs. However, the County Board would need to pass a resolution amending the County Zoning Regulations to implement this requirement. The resolution should contain standards for size and location which provide clear identification to emergency responders of the best entry point to residential and business properties, if not evident by the blue sign provided by the County. The resolution requiring address signs would also provide enforcement authority, including situations where a landowner interferes with the placement of a blue address sign installed by the County.

Finally, it was indicated that over time the blue address signs fade and lose reflectivity. At some point the signs will need to be replaced.

RECOMMENDATIONS

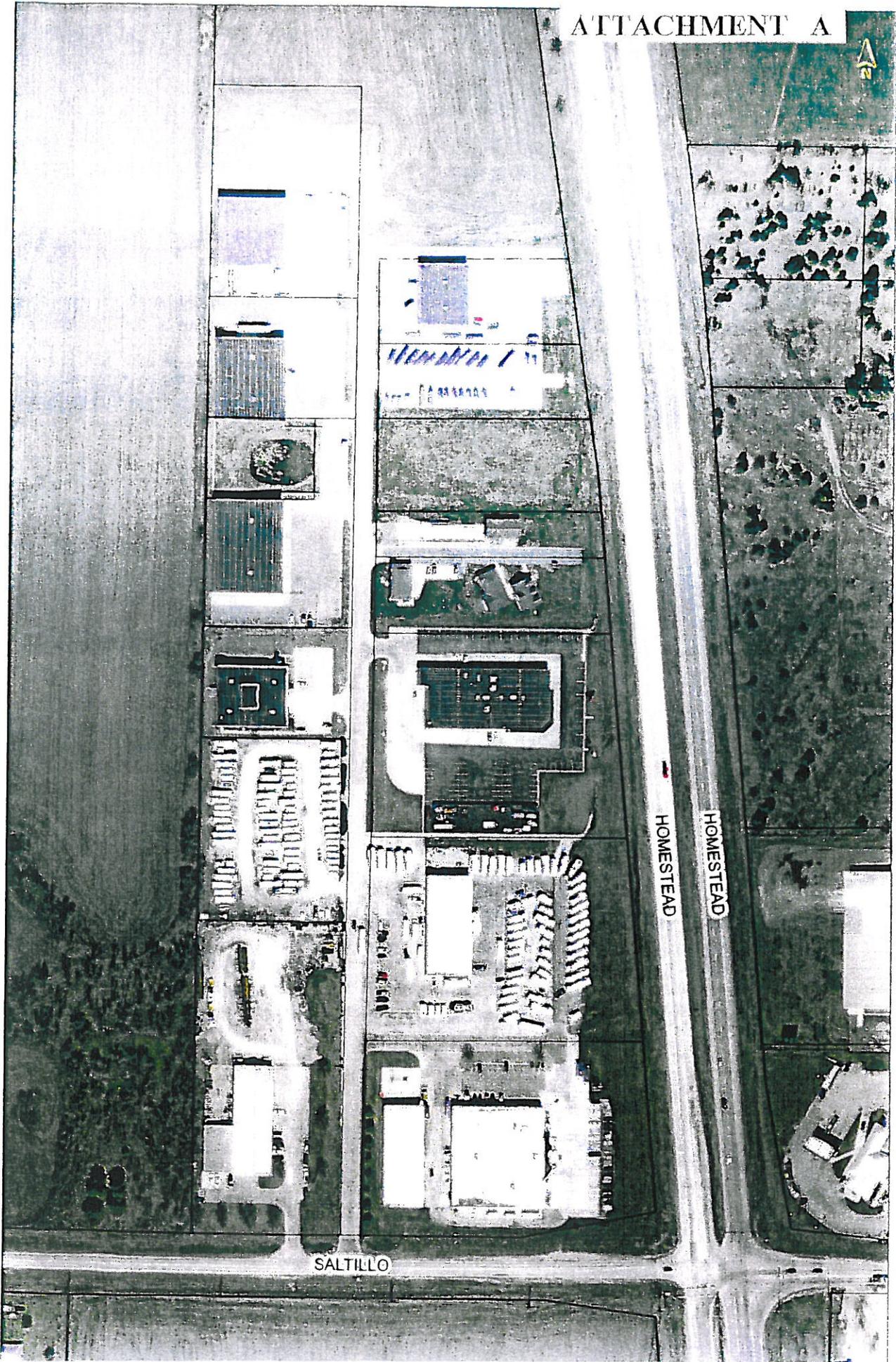
Based on the foregoing discussions, the Rural Business Address Committee hereby tenders the following recommendations to the Lancaster County Board of Commissioners:

1. **Address signs should be posted on County roads for all businesses which are included in the County's address database:**
 - a. **Standards should be developed for the purpose of classifying which land uses should be included as a business for purposes of posting address signs;**
 - b. **Inaccurate business addresses should be corrected following the same procedure under which inaccurate residential addresses were corrected.**
2. **The Lancaster County Board should pass a resolution requiring all occupied residential properties and all business properties to have address signs which meet County standards:**
 - a. **Residences and businesses located on private drives serving multiple properties should be required to provide the address sign at their own cost.**
3. **The County should develop a strategy, with a funding plan, for replacement of worn out address signs located on County roads. Responsibility for sign replacement should be placed with the County Engineer's Office.**
4. **The County should work with the villages and cities in the County to implement these recommendations within their extra territorial zoning jurisdictions.**

Respectfully submitted this 25th day of April, 2013 on behalf of the Lancaster County Rural Business Committee,


Kerry P. Eagan
Chief Administrative Officer

ATTACHMENT A



HOMESTEAD

HOMESTEAD

SALTILLO

ATTACHMENT B

ADAMS

M1386

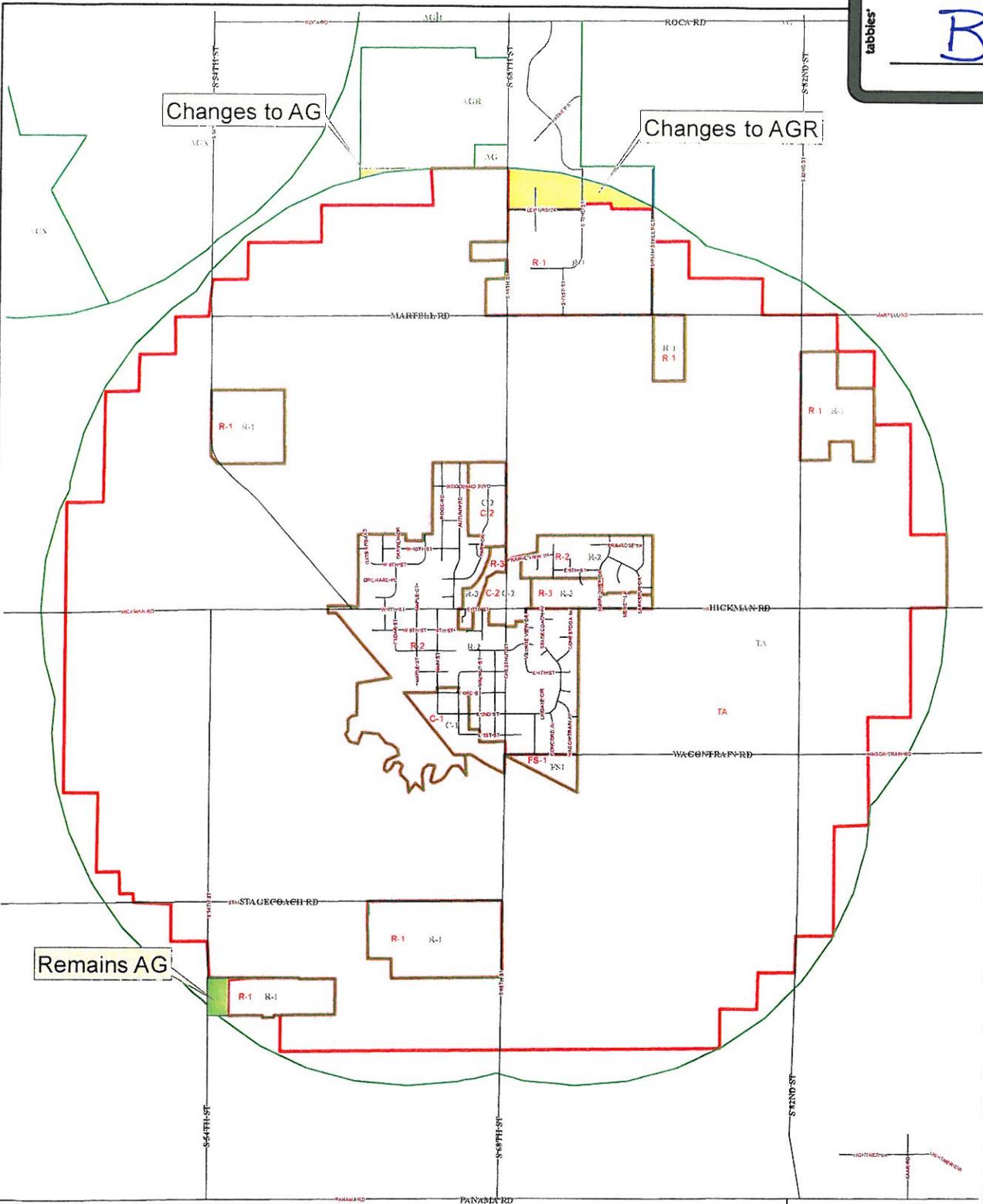
LEIGHTON

92ND

93RD

GARLAND





HICKMAN ETJ CHANGES



- Planning Dept. Zoning
- Hickman Zoning
- Proposed Hickman ETJ
- Proposed Change to AG
- Proposed Change to AGR
- Remains AG