

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, AUGUST 13, 2019
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 August 9, 2019.

Commissioners present: Roma Amundson, Chair; Sean Flowerday, Vice Chair; Deb Schorr; Rick Vest; and Christa Yoakum

Others present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Jenifer Holloway, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Monét McCullen, County Clerk's Office

The meeting was called to order at 9:00 a.m., the Pledge of Allegiance was recited and the location of the Nebraska Open Meetings Act was announced.

1) MINUTES:

A. Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 6, 2019.

MOTION: Schorr moved and Flowerday seconded approval of the minutes. Schorr, Flowerday, Yoakum, Vest and Amundson voted yes. Motion carried 5-0.

2) CLAIMS:

A. Approval of all claims processed through August 13, 2019.

MOTION: Vest moved and Yoakum seconded approval of the claims. Vest, Schorr, Flowerday, Yoakum and Amundson voted yes. Motion carried 5-0.

3) 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. Amendment to the following County contracts:

- 1. C-18-0729 with McKesson Medical-Surgical Government Solutions, LLC using the Sourcewell Contract 061417-MML for Health & Safety, Medical, Surgical and First Aid Related Equipment, Supplies, Accessories and Services, (MOU034. The amendment renews the contract from July 26, 2019 through July 25, 2020. The estimated cost to the County is not to exceed \$50,000.) (C-19-0613)**

2. C-16-0078 with Language Line Services, Inc., using the State of NE Contract No. 48860 O4 for Language Interpretation Services – Phone and Video. (The amendment extends the contract from August 1, 2019 through July 31, 2020. The estimated cost to the County is not to exceed \$1,000.) (C-19-0614)
 3. C-18-0252 with Wellpath for Medical Care Services for the Youth Services Center. (The estimated cost will be increased by \$4,289.19 for the remainder of the contract term. The total contract expenditure will remain the same.) (C-19-0616)
- B. Contract with Peregrine Services, Inc., to provide Annual Services – Print & Mail-Real Estate Tax Statements (Bid No. 19-182). The term of the contract is four years from date of execution with the option to renew for one additional four-year term. The cost to County is not to exceed \$173,760 for the contract term. (C-19-0615)
 - C. Contract with MMC Contractors to provide Roof Top HVAC Unit Replacement - County Extension. (Bid No. 19-197. The services included in this Contract shall begin as soon as possible from date of executed contract. The cost to the County is not to exceed \$175,000.) (C-19-0627)
 - D. Change Order No. 3 to County Contract C-18-0405 with M.E. Collins Contracting Company (Project No. 19-05, Bid No. 18-152) for Erosion Checks, Type Wattle in lieu of Erosion Checks, Type 3-High installed by Nebraska Hydroseeding, Inc., at Box Culvert N-19; Erosion Control 1-D in place of Seeding, Type "A" and Mulch at CBC B-147 (the decreased amount is \$7,361.17). (C-19-0623)
 - E. Right-of-way contracts with the following:
 1. Michael A. and Mark D. Leavitt, 9500 Adams Street, in the amount of \$1,067.50. (C-19-0624)
 2. Aginvest, LLC, South 82nd Street between Roca Road and Saltillo Road, in the amount of \$7,555. (C-19-0625)
 3. Nebraska Public Power District, Southwest 50th Street and West Princeton Road, in the amount of \$1,315. (C-19-0626)
 - F. Received and placed on file the following reports for July, 2019.
 1. Assessor/Register of Deeds
 2. Records and Information Management

MOTION: Schorr moved and Yoakum seconded approval of the consent items. Yoakum, Vest, Schorr, Flowerday and Amundson voted yes. Motion carried 5-0.

4) OLD BUSINESS:

- A. Resolution in the matter of adopting minimum road standards for roads in unincorporated areas pursuant to Nebraska Rev. Stat. 39-1501(5). (R-19-0051)**

Pam Dingman, Lancaster County Engineer, said this resolution will correct a number of older resolutions and create consistency. This is not final and will need to continue to be reviewed and updated. There will also need to be a task force to look at the acreages in Lancaster County.

Schorr asked how many acreage developments will be affected by this change. Dingman said two and one of those is in the process of being replatted.

MOTION: Vest moved and Flowerday seconded approval of the resolution. Flowerday, Yoakum, Vest, Schorr and Amundson voted yes. Motion carried 5-0.

- B. Resolution in the matter of Change of Zone No. 19018, from AG Agricultural to AG Agricultural with historic landmark overlay on approximately 17 acres on property generally located at 17185 Bluff Road in Lancaster County, Nebraska. (R-19-0053) (Note: Action on this item will take place following the public hearing – Item 6A.)**

This item was held until after the public hearing on Item 6A.

- C. Resolution in the matter of County Special Permit No. 19033, (adopted by the Historic Preservation Commission on June 20, 2018 and the Lincoln-Lancaster County Planning Commission on July 10, 2019) for an event center special permit as part of the preservation of a local historic landmark on property generally located at 17185 Bluff Road in Lancaster County, Nebraska. (R-19-0054) (Note: Action on this item will take place following the public hearing – Item 6B.)**

This item was held until after the public hearing on Item 6B.

5) NEW BUSINESS:

- A. Special Designated License application from Seven Diamonds, LLC for an event at the Monnier Farm, 205 Waverly Road, Raymond, Nebraska on September 1, 2019.**

MOTION: Vest moved and Yoakum seconded approval of the special designated license application. Yoakum, Vest, Schorr, Flowerday and Amundson voted yes. Motion carried 5-0.

- B. Amusement License Renewal application from Jan and Darril Hauser for an event at Pine Creek Farms, 11505 North 14th Street, Raymond, Nebraska on September 21, 2019.**

Jan Hauser, 11505 N. 14th Street, said this is a reoccurring event. She said she is aware that no parking is allowed on North 14th Street and signage will be in place for the public.

MOTION: Vest moved and Schorr seconded approval of the amusement license renewal application. Flowerday, Yoakum, Vest, Schorr and Amundson voted yes. Motion carried 5-0.

- C. Contract with Tradebe Environmental Services, LLC., to provide Annual Services – Hazardous Waste Services (RFP No. 19-103). The term of the contract is September 1, 2019 through June 30, 2020 with the option to renew for three additional one-year terms. The cost to the County is not to exceed \$5,000. (C-19-0617)**

Scott Holmes, Lincoln/Lancaster County Health Department Environmental Health Manager, said the Health Department works with hazardous waste centers for services in Lincoln and they add the County in the contract in case hazardous waste services are ever needed.

MOTION: Vest moved and Yoakum seconded approval of the contract. Schorr, Flowerday, Yoakum, Vest and Amundson voted yes. Motion carried 5-0.

- D. Contract with NMC, Inc., (Nebraska Machinery Company) for Annual Supply – Caterpillar Filters (Sole Source No. SS-90). The contract is for one-year with the option to renew for three additional one-year terms. The cost to the County is not to exceed \$23,000. (C-19-0619)**

MOTION: Schorr moved and Yoakum seconded approval of the contract. Vest, Schorr, Flowerday, Yoakum and Amundson voted yes. Motion carried 5-0.

- E. Contract for Annual Supply – Ice Melt (Bid No. 19-153). The contracts are for one-year with the option to renew for three additional one-year terms with the following:**
 - 1. Nebraska Landscape Solutions, Inc (the cost to the County is not to exceed \$5,000). (C-19-0620)**
 - 2. Egan Supply (the cost to the County is not to exceed \$2,100). (C-19-0621)**
 - 3. Helena Chemical Company (the cost to the County is not to exceed \$1,500). (C-19-0622)**

MOTION: Flowerday moved and Vest seconded approval of the contracts. Yoakum, Vest, Schorr, Flowerday and Amundson voted yes. Motion carried 5-0.

- F. Recommendation from the Purchasing Agent and Lancaster County Engineering to award a contract to Sapp Bros. Inc., for Annual Supply of Lubricants (Bid No. 19-190). The estimated amount is \$70,000. (B-19-0190)**

MOTION: Schorr moved and Yoakum seconded approval of the recommendation. Flowerday, Yoakum, Vest, Schorr and Amundson voted yes. Motion carried 5-0.

6) PUBLIC HEARINGS:

A. **Change of Zone No. 19018 - AG Agricultural to AG Agricultural with historic landmark overlay on approximately 17 acres on property generally located at 17185 Bluff Road in Lancaster County, Nebraska. (See correlating item 4B)**

The Chair noted that this public hearing was continued from the July 30, 2019 meeting and asked for new information only.

Erica Thompson, 15500 Bluff Road, was administered the oath and came forward in support.

The following individuals were administered the oath and testified in opposition:

Mary Johnson, 17705 Bluff Road, Waverly. (Exhibit A)

Clarence (Art) Althouse Jr., 8650 N. 134th Street, Waverly.

Vest asked Mr. Althouse if the designation name was changed from Cooley-Dodge to something else would he be more supportive of the change of zone? Althouse said it might help from a personal standpoint, but he is not speaking for just himself - he is speaking for the community.

Marlan Johnson, 5218 N. 202nd Street, Hallam, was administered the oath and testified in opposition.

The clerk stated letters of opposition were received from Nancy Mocroft, David Paulson and Mildred Puchalla. An email in opposition was also received from Nancy Mocroft, David Paulson, Millie Puchalla, Peggy Brown and Mary Alice Pokorny Johnson. (Exhibit B)

No one appeared in the neutral position.

Schorr asked about the historic designation process, the number of historic designations available for the County, component two of the preservation guidelines regarding notice of work needing certificate and the changes that can or cannot be made under this designation.

Ed Zimmer, Lincoln/Lancaster County Planning Department, was administered the oath and said the zoning regulations refer to different categories at which landmarks are designated, but the development has to be representative of the historic conditions. The Historic Preservation Commission (HPC) reviewed the application and recommended unanimously to the Planning Commission that this property met all characteristics. The names associated with the property, through research, showed they were the early names associated with the property. If the name were to change, the process would still remain the same. Future changes to the building, the landscape and any new buildings must be reviewed by the HPC.

Schorr read the list of items that would need to be reviewed by the HPC before making any changes (Exhibit C). Zimmer confirmed some changes can be administrative changes if they are minor.

Vest asked if the standard would preclude modernization that was shown in Exhibit A. Zimmer said interiors are typically not designated as the public does not view the interior.

No one appeared in the neutral position.

The Chair closed the public hearing.

The Board voted on the correlating item.

B. Special Permit No. 19033 - for an event center special permit as part of the preservation of a local historic landmark on property generally located at 17185 Bluff Road in Lancaster County, Nebraska. (See correlating item 4C)

The Chair mentioned this public hearing was also continued from the meeting on July 30, 2019.

Schorr reviewed a list of proposed restrictions (Exhibit D).

Applicants Carol and Jed Hartweg, 17185 Bluff Road, Waverly, said their only concern with the property and the restrictions is how to buffer the outside traffic noise from the interstate. They inquired about having light outdoor music as an attempt to buffer the noise.

Schorr said the restriction is in reference to outdoor music festivals and light buffer music would be acceptable.

Mrs. Hartweg also expressed concern about the timeline. Schorr clarified music and alcohol sales should end at midnight. Clean-up after midnight would still be acceptable.

Flowerday asked if the Camp Creek Antique Machinery & Threshing Show dates are predetermined. Mr. Hartweg clarified that event is always the third weekend in July.

Vest inquired about the number of events that would be held on the property. Mr. Hartweg said in order to make it work financially, they would need to have as many events as possible. Mrs. Hartweg stated they would like to have events every weekend.

Mary Johnson, 17705 Bluff Road, Waverly, was administered the oath and testified in opposition.

Schorr asked if it would be appropriate to add the restriction of no parking on Bluff Road.

Pam Dingman, Lancaster County Engineer, was administered the oath, and said there is already a County regulation that states no parking is allowed on any County road.

The following individuals were administered the oath and testified in opposition:

Peggy Brown, 11700 N 176th Street, Waverly.

Marlan Johnson, 5218 N. 202nd Street, Hallam.

Mary Alice Johnson, 11651 N. 176th Street, Waverly.

Nancy Mocreft, 8705 N. 176th Street, Waverly. (Exhibit E)

Andrew Stock, 9503 286th Street, Murdock.

Steve Henrichsen, Lincoln/Lancaster County Planning Department, was administered the oath, and said the previous change of zone item only added the historic landmark overlay, it did not change the zone from agricultural to commercial, which would allow a vast variety of usage such as car washes

and restaurants. The special permit allows the approval of a historic preservation, which will allow additional usage that might not otherwise be allowed in the AG District. Commercial zoning would not have been recommended in this case as the Lincoln/Lancaster County Comprehensive Plan encourages the more intensive commercial zoning to be in the communities.

No one appeared in the neutral position.

The Chair closed the public hearing.

RETURNING TO ITEM 4B

MOTION: Schorr moved and Flowerday seconded approval of the resolution. Schorr, Flowerday, Yoakum, Vest and Amundson voted yes. Motion carried 5-0.

RETURNING TO ITEM 4C

Schorr asked if the restrictions discussed today are sufficient enough to be included in the resolution and passed today or should it be held a week to allow the County Attorney time to review and draft a new resolution.

Henrichsen said Planning is fine with the restrictions and offered two suggestions. On #7, it would be more directly worded to say, "Outside music concerts are not allowed." With regard to #8, he suggested, "Any portion of event held outdoors must conclude by 10 p.m. All alcohol sales, music and performances shall conclude by 12 a.m."

Vest asked if language needed to be included that stated no outside alcohol should be brought onto the premises. Jen Holloway, Deputy County Attorney, said that is something she needs to research.

Yoakum said she would not want to prohibit a family from bringing alcohol for an event. Henrichsen said if a family decided to bring wine and was not selling it for consumption then that typically would not be prohibited. He noted if the alcohol was being sold on the premises that would require a separate permit. Amundson said allowing families to bring their own alcohol on the premises would be an issue for the owners as other establishments have restrictions in place.

MOTION: Schorr moved and Flowerday seconded to direct the County Attorney to prepare the resolution for approval including the additional six restrictions. Vest, Schorr, Flowerday, Yoakum and Amundson voted yes. Motion carried 5-0.

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

No one appeared for public comment.

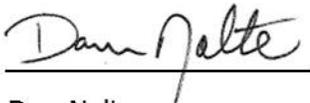
C. ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, August 15, 2019 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 its next regular meeting on Tuesday, August 20, 2019 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, August 20, 2019 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding the vacation of West Saltillo Road in the SE Quarter of Section 34, Township 9 North, Range 5 East of the 6th Principal Meridian, and in the NW Quarter of Section 2 and NE Quarter of Section 3, Township 8 North, Range 5 East of the 6th Principal Meridian, Lancaster County, Nebraska.
- D. The Lancaster County Board of Commissioners will hold a public hearing on Tuesday, August 27, 2019 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding Keno Fund Projects and Lancaster County's Proposed Budget for Fiscal Year 2019-20.
- E. 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 on LNKTv City. For the rebroadcast schedule visit lincoln.ne.gov (keyword: LNKTv). Meetings are also streamed live on LNKTv and can be viewed on YouTube (LNKTvcity).

7) ADJOURNMENT

MOTION: Schorr moved and Flowerday seconded to adjourn the Lancaster County Board of Commissioners meeting at 10:45 a.m. Schorr, Flowerday, Yoakum, Vest and Amundson voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

