

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, NOVEMBER 21, 2006**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

Commissioners Present: Deb Schorr, Chair  
Bernie Heier  
Larry Hudkins  
Ray Stevens

Commissioners Absent: Bob Workman, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Patricia Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The meeting of the Board of Commissioners was called to order at 9:30 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 14, 2006.**

**MOTION:** Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated November 14, 2006. Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, November 21, 2006.**

**MOTION:** Hudkins moved and Stevens seconded approval of all claims processed through November 21, 2006. Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

- A. Continuation of a public hearing regarding a catering application in connection with a Class Y liquor license from James Arthur Vineyards LLC d/b/a James Arthur Vineyards located at 2001 West Raymond Road, Raymond, Lancaster County, Nebraska. (See New Business Item 5A for correlating resolution.)

The Chair reconvened the public hearing and asked if anyone wished to provide testimony.

The oath was administered to James Ballard, applicant.

Ballard explained previous liquor laws didn't allow a farm winery to hold a catering license. He stated the law was changed during the last legislative session and a farm winery may now apply for a catering license. Due to the volume of requests for wine tasting at fund raisers and open houses they felt it made sense to apply for the catering license.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **OLD BUSINESS:**

- A. Full release and assignment to the Hartford Fire Insurance Company on Bond/Policy No. 91 BPE AN5868 regarding a \$1,000 loss suffered September 28, 2006. (C-06-0621)

**MOTION:** Heier moved and Stevens seconded approval of a full release and assignment to the Hartford Fire Insurance Company on Bond/Policy No. 91 BPE AN5868 regarding a \$1,000 loss suffered September 28, 2006. Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. A resolution in the matter of an application for a Class KY (Catering/Farm Winery) liquor license in connection with a Class Y (Farm Winery) liquor license for James Arthur Vineyards, L.L.C. d/b/a James Arthur Vineyards located at 2001 West Raymond Road, Lancaster County, Nebraska. (R-06-0119)

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Heier seconded approval of Resolution 06-0119 in the matter of an application for a Class KY (Catering/Farm Winery) liquor license in connection with a Class Y (Farm Winery) liquor license for James Arthur Vineyards, L.L.C. d/b/a James Arthur Vineyards located at 2001 West Raymond Road, Lancaster County, Nebraska. Stevens, Heier, Hudkins and Schorr voted aye. Motion carried.

**B. A resolution concurring with the recommendation of the State of Nebraska, Department of Roads to award a bid to Dixon Construction Company, in the amount of \$287,677.04, for replacement of County Bridge A-136 located on Agnew Road between North 112<sup>th</sup> Street and North 134<sup>th</sup> Street; Federal Aid Project BR-3380(4), Waverly Northwest. (R-06-0122)**

**MOTION:** Heier moved and Stevens seconded approval of Resolution 06-0122 concurring with the recommendation of the State of Nebraska, Department of Roads to award a bid to Dixon Construction Company, in the amount of \$287,677.04, for replacement of County Bridge A-136 located on Agnew Road between North 112<sup>th</sup> Street and North 134<sup>th</sup> Street; Federal Aid Project BR-3380(4), Waverly Northwest. Heier, Hudkins, Stevens and Schorr voted aye. Motion carried.

**C. A grant contract with Berniklau Educational Solutions Team (BEST) for the management of a Juvenile Day Reporting Center, in the amount of \$97,185. Term of the contract is July 1, 2006 to June 30, 2007. (C-06-0622)**

**MOTION:** Stevens moved and Hudkins seconded approval of a grant contract with Berniklau Educational Solutions Team (BEST) for the management of a Juvenile Day Reporting Center, in the amount of \$97,185. Term of the contract is July 1, 2006 to June 30, 2007. Heier, Stevens, Hudkins and Schorr voted aye. Motion carried.

**D. A grant contract with Lincoln Action Program to assist with the following programs: YouthACT Program, in the amount of \$21,150, and Project HIRE (Helping Improve Readiness for Employment), in the amount of \$24,711. Total amount of the grant contract is \$45,861. Term of the grant contract is July 1, 2006 through June 30, 2007. (C-06-0623)**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Stevens moved and Heier seconded approval of a grant contract with Lincoln Action Program to assist with the following programs: YouthACT Program, in the amount of \$21,150, and Project HIRE (Helping Improve Readiness for Employment), in the amount of \$24,711. Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

**E. A grant contract with Lincoln Action Program for support for the HUB Project, a transitional services network for disconnected youth/young adults ages 16 to 21, as part of Lancaster County's Graduated Sanctions programming, in the amount of \$35,000. Term of the grant contract is July 1, 2006 through June 30, 2007. (C-06-0624)**

**MOTION:** Heier moved and Stevens seconded approval of a grant contract with Lincoln Action Program for support for the HUB Project, a transitional services network for disconnected youth/young adults ages 16 to 21, as part of Lancaster County's Graduated Sanctions programming, in the amount of \$35,000. Stevens, Heier, Hudkins and Schorr voted aye. Motion carried.

**F. A contract between Lancaster County and Nebraska Machinery Company for the purchase of two Caterpillar motorgraders (Model 140H) for the County Engineering Department. Total amount of the purchase is \$365,000 including trade-in and a maintenance contract. (C-06-0625)**

**MOTION:** Hudkins moved and Stevens seconded approval of a contract between Lancaster County and Nebraska Machinery Company for the purchase of two Caterpillar motorgraders (Model 140H) for the County Engineering Department. Heier, Stevens, Hudkins and Schorr voted aye. Motion carried.

**G. An agreement between Lancaster County and Ronald Flansburg wherein Mr. Flansburg will pay the County \$42,938.40 by March 15, 2007, as a result of a computer error that caused overpayments to Mr. Flansburg. (C-06-0626)**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Heier moved and Hudkins seconded approval of an agreement between Lancaster County and Ronald Flansburg wherein Mr. Flansburg will pay the County \$42,938.40 by March 15, 2007, as a result of a computer error that caused overpayments to Mr. Flansburg. Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

**H. An agreement between the United States Postal Service (USPS) and Lancaster County for a license to lease and use a postage meter through Hasler, Inc.. The agreement is required by USPS. There will be no charge to the County for the first 12 months of the agreement. Thereafter, the monthly rental rate will be \$60 for a period of 48 months. (C-06-0627)**

**MOTION:** Stevens moved and Heier seconded approval of an agreement between the United States Postal Service (USPS) and Lancaster County for a license to lease and use a postage meter through Hasler, Inc.. Stevens, Heier, Hudkins and Schorr voted aye. Motion carried.

**I. A grant contract with Lincoln Council on Alcoholism and Drugs, Inc. for funding for the project management of the Gamblers Assistance Program Prevention Services Grant, in the amount of \$38,760. Term of the grant contract is July 1, 2006 through June 30, 2007. (C-06-0628)**

**MOTION:** Heier moved and Stevens seconded approval of a grant contract with Lincoln Council on Alcoholism and Drugs, Inc. for funding for the project management of the Gamblers Assistance Program Prevention Services Grant, in the amount of \$38,760. Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

**J. Change Order No. 001 with Weathercraft Company of Lincoln, under County Contract C-06-0471, for the re-roofing of Trabert Hall, reducing the contract sum from \$179,777 to \$176,199. (C-06-0629)**

**MOTION:** Hudkins moved and Stevens seconded approval of Change Order No. 001 with Weathercraft Company of Lincoln, under County Contract C-06-0471, for the re-roofing of Trabert Hall, reducing the contract sum from \$179,777 to \$176,199. Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**K. A grant contract with Child Guidance Center to provide funds for substance abuse evaluations for Lincoln Public School students referred from the School Community Intervention Program (SCIP), in the amount of \$25,000. Term of the grant contract is July 1, 2006 through June 30, 2007. (C-06-0630)**

**MOTION:** Heier moved and Stevens seconded approval of a grant contract with Child Guidance Center to provide funds for substance abuse evaluations for Lincoln Public School students referred from the School Community Intervention Program (SCIP), in the amount of \$25,000. Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

**L. A mini-grant application by the Lancaster County Sheriff's Office, and a mini-grant award from the Nebraska Office of Highway Safety for the purchase of six preliminary breath testing units. The cost to the Nebraska Office of Highway Safety is \$1,608. There is no cost to Lancaster County.**

**MOTION:** Stevens moved and Hudkins seconded approval of a mini-grant application by the Lancaster County Sheriff's Office, and a mini-grant award from the Nebraska Office of Highway Safety for the purchase of six preliminary breath testing units. Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

**M. Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid for rock hauling to stockpiles as follows: (B-06-0042)**

**Project 07-16H - Waverly Stockpile**

Husker Trucking (Hauler)	\$3.00/ton	\$16,050.00
Kerford Limestone (Producer)	\$9.00/ton	<u>\$48,150.00</u>
Total		\$64,200.00

**Project 07-17H - Emerald Maintenance Station Stockpile**

Husker Trucking (Hauler)	\$4.90/ton	\$34,300.00
Kerford Limestone (Producer)	\$9.00/ton	<u>\$63,000.00</u>
Total		\$97,300.00

**Project 07-18H - Raymond Maintenance Station Stockpile**

Husker Trucking (Hauler)	\$5.00/ton	\$21,500.00
Kerford Limestone (Producer)	\$9.00/ton	<u>\$38,700.00</u>
Total		\$60,200.00



5) **NEW BUSINESS CONTINUED:**

- O. Recommendation from the Purchasing Agent and the Administrator of Lancaster Manor to reject a bid from Medical Staffing Network for physical, occupational and speech therapy services for Lancaster Manor because minimum specifications were not met. (B-06-0044)**

**MOTION:** Hudkins moved and Stevens seconded to accept the recommendation of the Purchasing agent and the Lancaster Manor Administrator and reject a bid from Medical Staffing Network for physical, occupational and speech therapy services for Lancaster Manor because minimum specifications were not met. Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

- P. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the City of Lincoln, Information Services Department, in the amount of \$6,246.22, for a Proliant server for the County Assessor/Register of Deeds new system.**

**MOTION:** Stevens moved and Heier seconded approval of the authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the City of Lincoln, Information Services Department, in the amount of \$6,246.22, for a Proliant server for the County Assessor/Register of Deeds new system. Heier, Stevens, Hudkins and Schorr voted aye. Motion carried.

- Q. A request for refund of real property taxes for 2004 and 2005 from John A. Arnold III.**

Rob Ogden, Chief Deputy County Assessor/Register of Deeds, explained the request comes from an acre size correction. Recommendation was to approve the request.

**MOTION:** Hudkins moved and Stevens seconded to accept the recommendation from the County Assessor/Register of Deeds and approve a request for refund of real property taxes for 2004 and 2005 from John A. Arnold III. Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**R. A request for refund of real property taxes for 2004 and 2005 from Clinton Burge.**

Ogden stated the request from Mr. Burge is also an acre size correction and recommended approval.

**MOTION:** Heier moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and approve the request for a refund of real property taxes for 2004 and 2005 from Clinton Burge. Stevens, Heier, Hudkins and Schorr voted aye. Motion carried.

**S. A claim filed against Lancaster County by John Paul Arias for reimbursement of legal costs, in the amount of \$288.68.**

Kristy Mundt, Deputy County Attorney, offered the following exhibits for the record:

- Exhibit 1: Application for reimbursement date stamped September 15, 2006 by the County Clerk's Office.
- Exhibit 2: Letter from the County Attorney's Office dated September 29, 2006.
- Exhibit 3: Letter from Mr. Arias dated October 4, 2006 asking that his claim be heard before the County Board.
- Exhibit 4: Letter from the County Attorney's Office dated November 14, 2006 giving Mr. Arias notice that his claim would be heard on the November 21, 2006 agenda.

Mundt stated the claim is an application for reimbursement in the approximate of \$288. She explained that Mr. Arias is seeking reimbursement for costs associated with copying his pleadings and briefs and mailing those to the appropriate parties. She added that it involves four separate District Court cases. Mundt stated the County Attorney's Office is recommending denial of the claim pursuant to Heathman vs. Kenney, 264 Neb. 966. She added that the claims should be heard first before the trial court judge. Recommendation was denial because Mr. Arias did not present his claims for reimbursement before the appropriate district judge.

**MOTION:** Heier moved and Stevens seconded to accept the recommendation from the County Attorney's Office and deny a claim filed against Lancaster County by John Paul Arias for reimbursement of legal costs, in the amount of \$288.68. Heier, Hudkins, Stevens and Schorr voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**T. Reappointment of Bernie Heier to the District Energy Corporation Board of Directors for a two year term to expire December 31, 2008.**

**MOTION:** Hudkins moved and Stevens seconded approval of the reappointment of Bernie Heier to the District Energy Corporation Board of Directors for a two year term to expire December 31, 2008. Heier, Stevens, Hudkins and Schorr voted aye. Motion carried.

6) **CONSENT ITEMS:** *These are items of business that are routine which 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:**

1. Clerk of the District Court's Monthly Report for October, 2006.
2. Lancaster Manor's Monthly Report.

**B. Setting of public hearings for Tuesday, December 5, 2007 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:**

1. County Special Permit No. 06059, requested by U.S. Cellular Wireless Communications, for authority to construct a 199 foot tower for wireless facilities capable of accommodating at least four carriers, on property generally located approximately one-quarter mile north of the intersection of North 176<sup>th</sup> and "O" Streets, Lancaster County, Nebraska.
2. County Special Permit No. 06066, requested by Lyle Loth of ESP on behalf of Willard D. Giebenrath, for authority to operate sand, gravel and soil excavation on a 153 acre site located one-quarter mile east of North 56<sup>th</sup> Street/Highway 77 between Waverly and Mill Roads, Lancaster County, Nebraska.

**C. Requests from the following Lancaster County employees to voluntarily participate in the County's retirement plan having met the requirements:**

- ▶ Kimberly Benson, an employee in the Corrections Department
- ▶ Tyler Schmidt, an employee in the Sheriff's Office

6) **CONSENT ITEMS CONTINUED:**

**MOTION:** Hudkins moved and Stevens seconded approval of the Consent Items. Hudkins, Stevens and Schorr voted aye. Heier abstained from voting. Motion carried.

7) **OTHER BUSINESS:**

Dan Docter, personal representative of Ruth Docter, appeared and explained his mother had sent in a request for refund which was to be on the November 28<sup>th</sup> agenda. He stated his mother has been placed in hospice and he would like to move the refund request up one week.

Ogden gave a brief overview of the request stating that there was a question of irrigated versus dry land. He stated the request for tax years 2004 and 2005 would be on the regular meeting of the Board of Commissioners as a refund request, however, the request for 2006 would be heard by the Board of Equalization.

**MOTION:** Heier moved and Hudkins seconded to declare an emergency and add a request for refund from Ruth Doctor on real property for 2004 and 2005. Heier, Hudkins, Stevens and Schorr voted aye. Motion carried.

**MOTION:** Stevens moved and Hudkins seconded to recess the Board of Commissioners at 10:20 a.m.. Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

**MOTION:** Heier moved and Hudkins seconded to reconvene the Board of Commissioners meeting at 10:21 a.m.. Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

**MOTION:** Hudkins moved and Heier seconded to direct the County Assessor/Register of Deeds to correct the values for 2004 and 2005 for Ruth Docter to reflect dry land instead of irrigated and to prepare a refund amount for 2004 and 2005. Stevens, Heier, Hudkins and Schorr voted aye. Motion carried.

7) **ADJOURNMENT:**

**MOTION:** Stevens moved and Heier seconded adjournment of the meeting of the Board of Commissioners at 10:22 a.m.. Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, NOVEMBER 21, 2006  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Deb Schorr, Chair  
Bernie Heier  
Larry Hudkins  
Ray Stevens

Commissioners Absent: Bob Workman, Vice Chair

Others Present: Rob Ogden, Chief Deputy County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Patricia Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The meeting of the Board of Equalization was called to order at 10:20 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 14, 2006.**

**MOTION:** Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated November 14, 2006. Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 143 additions and deductions to the tax assessment rolls per Attachment "A".**

**MOTION:** Heier moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Alzheimer's Association  
Christian Heritage Children's Home  
Cristo Rey Catholic Church  
Goodwill Industries Serving Southeast Nebraska, Inc.  
Pius X High School

**MOTION:** Heier moved and Stevens seconded approval of the motor vehicle tax exemptions. Heier, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **APPEAL FILED ON VALUATION CHANGE:**

Daniel and Pamela Bentzinger

Ogden explained that a protest form was filed by the Bentzinger's regarding a valuation change, however, there was no additional information supplied to substantiate the appeal. Recommendation was for denial.

**MOTION:** Heier moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the appeal filed on a valuation change for Daniel and Pamela Bentzinger. Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5) **NOTICE OF ASSESSED VALUATION CHANGE FOR 2006 FOR THE FOLLOWING:**

R.C. Krueger Development Company - Parcel I.D. # 09-24-136-001-000  
Parcel I.D. # 09-24-312-007-000  
Parcel I.D. # 09-24-312-008-000  
Parcel I.D. # 09-24-312-009-000  
Parcel I.D. # 09-24-312-010-000  
Parcel I.D. # 09-24-318-001-000  
Parcel I.D. # 09-24-313-234-000  
Parcel I.D. # 09-24-313-044-000

**MOTION:** Stevens moved and Heier seconded to accept the recommendation of the County Assessor/Register of Deeds and grant the valuations as recommended. Stevens, Heier, Hudkins and Schorr voted aye. Motion carried.

**MOTION:** Heier moved and Hudkins seconded to declare an emergency and add a refund request from Ruth Docter. Heier, Hudkins, Stevens and Schorr voted aye. Motion carried.

Ogden stated the request would involve a change in the value for 2006 and a correction to the tax rolls for 2005 and 2004.

**MOTION:** Hudkins moved and Stevens seconded to direct the County Assessor/Register of Deeds to change the value for 2006 for Ruth Docter (from irrigated to dry land). Heier, Stevens, Hudkins and Schorr voted aye. Motion carried.

6) **ADJOURNMENT:**

**MOTION:** Stevens moved and Hudkins seconded adjournment of the meeting of the Board of Equalization at 10:21 a.m.. Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

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Bruce Medcalf  
County Clerk