

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 30, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.**

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

Others Present: Kristy Bauer, Deputy County Attorney
Kerry Eagan, Chief Administrative Officer
Dan Nolte, 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, January 23, 2007.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on January 23, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, January 30, 2007.**

MOTION: Stevens moved and Schorr seconded approval of all claims processed through January 30, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. The Commissioners' Award of Excellence for January, 2007 was presented to Nikita Pavlovic, an employee with Lancaster Manor.

MOTION: Hudkins moved and Heier seconded approval of the Commissioners' Award of Excellence for January, 2007 to Nikita Pavlovic, an employee with Lancaster Manor. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS CONTINUED:**

B. Resolution No. 07-0010 in the matter of supporting the adoption of the National Standards of Practice for Interpreters in Health Care (R-07-0010) - Kit Boesch, Human Services Director, and Helen Fagen, Diversity Coordinator for BryanLGH Medical Center

Appearing were Kit Boesch, Human Services Director, and Helen Fagen, Diversity Coordinator for BryanLGH Medical Center, to request the Board's support and approve the resolution.

The Clerk read the resolution into the record.

MOTION: Stevens moved and Schorr seconded approval of Resolution 07-0010 in the matter of supporting the adoption of the National Standards of Practice for Interpreters in Health Care. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. County Special Permit No. 06058, requested by U.S. Cellular Wireless Communications, for authority to construct a 199 foot tower for wireless facilities on property generally located southwest of the intersection of West Alvo Road and Northwest 126th Street, Lancaster County, Nebraska. (See New Business Item 5A for correlating documentation.)

The Chair opened the public hearing and asked if anyone wished to provide testimony in favor of the proposal.

The Clerk administered the oath to Harvey Cooper, attorney representing U.S. Cellular Wireless Communications, and Patrick Armstrong, Radio Frequency Engineer for U.S. Cellular.

Cooper submitted written testimony of Patrick Armstrong regarding County Special Permit (Exhibit A).

4) **PUBLIC HEARINGS CONTINUED:**

Cooper gave a brief background of the site explaining that the area was served by Western Wireless primarily operating on an 800 megahertz band. Alltel purchased the assets of Western Wireless in 19 states, including Nebraska, and as a part of the approval process the Federal Communications Commission (FCC) required Alltel to divest all of the sites in Nebraska with the exception of Lancaster and Douglas counties. Cooper said U.S. Cellular took over Western Wireless in January of 2006. He said U.S. Cellular traditionally operates on a 1900 megahertz band, however, the Western Wireless sites operate on the 800 megahertz band and they need a way to make the 1900 system 'talk' to the 800 system. Cooper stated there are also other critical mandates which the FCC has imposed; one of those being that the 800 megahertz system remain as it is. Cooper stated the most critical gap in coverage is on Highway 34 which will be taken care of by the current proposal.

Patrick Armstrong, radio frequency engineer, stated the existing system in Lancaster County is 1900 megahertz. He explained that the license area and its frequency changes to 800 megahertz upon entering Seward County. Armstrong referred to a map showing the proposed coverage area stating they are trying to provide 1900 megahertz coverage to overlap into the 800 megahertz coverage area and allow for a clean hand-off to eliminate dropped calls.

Armstrong addressed the following alternate locations, noting that none of those sites were acceptable due to attenuation and coverage holes:

- ▶ Existing Valcom site south of Malcolm (195 feet extendable up to 490 feet)
- ▶ Existing Alltel site north of Malcolm
- ▶ Malcolm Water Tank with a 60 foot extension

Armstrong stated the proposed site is the best solution for the area. It causes no interference in the existing system, it provides a clean hand-off point, and it fills in the coverage holes along Highway 34. He added the site fills the significant gap they have currently and allows them to connect the existing 1900 megahertz to the acquired Project Heartland (Western Wireless).

Discussion focused on the reasons why coverage is difficult to acquire such as terrain and indoor/outdoor coverage.

In response to a reference by Hudkins to a map (Exhibit B) the Board received from Doug Ahlberg, Emergency Services Director, Kerry Eagan, Chief Administrative Officer, explained Ahlberg had indicated that existing gaps in coverage for the Lancaster County Emergency Services would not be improved by placing an antenna at 150 feet on the new tower.

4) **PUBLIC HEARINGS CONTINUED:**

Captain Bill Jarrett, Lancaster County Sheriff's Office, appeared and stated he would not want to rule out the possibility of accessing the tower for possible use.

OPPOSITION

The following individuals were administered the oath and appeared in opposition of the proposal expressing concerns regarding no wireless coverage for residents of Malcolm, failure to thoroughly explore collocation on existing towers such as Capital Tower near Garland, aesthetics, and loss of agricultural land:

- ▶ Wesley Jones, 14801 Northwest 126h Street, Malcolm, Nebraska and owner of Valcom Wireless Construction
- ▶ Jerri Alt, citizen, who lives six to eight miles north of the site
- ▶ Eugene M. Thompson, 19600 Northwest 126th Street, Malcolm, Nebraska
- ▶ Marty Ivins, 13501 West Wind Ridge Lane, Lincoln, Nebraska
- ▶ Scott Willett, 5768 Northwest 126th Street, Lincoln, Nebraska
- ▶ Kelly Klenke, 9401 West Fletcher Avenue, Malcolm, Nebraska appeared and submitted written testimony into the record (Exhibit C)
- ▶ Doug Petschke, 13000 West U.S. Highway 34, Malcolm, Nebraska
- ▶ Terri Haeft, 1802 154th Street, Garland, Nebraska
- ▶ Andrea Holka, 8901 West Fletcher Avenue, Malcolm, Nebraska
- ▶ Jennifer Joakim, 226 South Exeter Street, Malcolm, Nebraska
- ▶ Nadine Link, 423 Floyd Drive, Malcolm, Nebraska
- ▶ Michelle Fancher, 11875 West A Street, Lincoln, Nebraska
- ▶ Jim Shelton, Engineering Manager with Vcom Telecommunications Engineering, submitted a Radio Frequency Analysis and Report for the proposed U.S. Cellular site (Exhibit D)
- ▶ Denise Saathoff, 6909 Northwest 126th Street, Malcolm, Nebraska

The Chair asked if anyone else wished to provide testimony.

No one appeared.

In conclusion, Cooper reiterated that the intent of U.S. Cellular Wireless is to achieve a good, clean hand-off on Highway 34 to eliminate dropped calls.

Armstrong addressed the following : *Radio Frequency Analysis and Report* (Exhibit C) submitted by Shelton, extension of U.S. Cellular's existing 800 megahertz system into Lancaster County, coverage in Malcolm, and collocation on Capital Tower near Garland, Nebraska.

In response to a question asked by Schorr, Brian Wills, Planning Department, stated he felt U.S. Cellular Wireless had explored alternatives to building a new tower and had followed the process.

4) **PUBLIC HEARINGS CONTINUED:**

The Clerk administered the oath to Kristy Bauer, Deputy County Attorney.

In response to a question asked by Schorr regarding which section of the Federal Communications Act is being followed, Bauer stated the proposal would fall under 47 United States Code §332. Bauer stated the Federal Telecommunications Act of 1996 does place limitations on local government and their ability to regulate the location and construction of facilities for wireless communications. She stated that the Act further provides that any decision by a local government to deny a request to construct a wireless facility must be in writing and supported by substantial evidence contained in the written record. Bauer also pointed to a case, *USCOC of Greater Iowa vs. the City of Bellevue*, 279 F.Supp 2D 1080, in which several owners voiced aesthetic concerns and concerns regarding decreased property valuations if a tower was erected in their area. The Court held that aesthetic concerns, decreased property values and in general, 'not in my back yard', is not substantial evidence to deny a request for a wireless tower.

The Chair closed the public hearing.

MOTION: Hudkins moved to hold County Special Permit No. 06058 for 120 days and encourage the applicants to seek collocation and to provide improved service for the Malcolm area.

Motion failed for lack of a second.

Workman requested photographs of downtown Lincoln taken in the 1880's be displayed showing numerous telephone poles and telephone lines.

5) **NEW BUSINESS:**

A. A resolution in the matter of County Special Permit No. 06058, requested by U.S. Cellular Wireless Communications Nebraska/Kansas, L.L.C., for authority to construct a 199 foot tower for wireless facilities on property generally located southwest of the intersection of West Alvo Road and Northwest 126th Street, Lancaster County, Nebraska. (R-07-0009)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of Resolution 07-0009 in the matter of County Special Permit No. 06058, requested by U.S. Cellular Wireless Communications Nebraska/Kansas, L.L.C., for authority to construct a 199 foot tower for wireless facilities on property generally located southwest of the intersection of West Alvo Road and Northwest 126th Street, Lancaster County, Nebraska. Schorr, Stevens, Heier and Workman voted aye. Hudkins voted no. Motion carried.

B. Applications for two Special Events Permits from the Nebraska Sports Council to hold the following:

Jim Craig, representing the Nebraska Sports Council, appeared and gave an overview of the races.

- ▶ **Panama Adventure Race on Sunday, February 11, 2007 beginning at 1:30 p.m. The race will take place within the city limits of Panama, with the exception of a portion of the race which will be on Stagecoach Road from 155th to 110th Streets and back.**
- ▶ **Panama Bike Enduro on Sunday, March 11, 2007 beginning at 1:30 p.m.. The race will begin in Panama taking Stagecoach Road to Wagon Train Lake using 155th to 110th Streets turning to the lake. The race will use the same route back to Panama.**

MOTION: Stevens moved and Schorr seconded approval of two applications for Special Events Permits from the Nebraska Sports Council to hold the Panama Adventure Race on February 11, 2007 and the Panama Bike Enduro on March 11, 2007. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

C. A grant contract with the Friendship Home, in the amount of \$88,320, to provide funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations while strengthening legal advocacy services for victims of domestic abuse and dating violence. Term of the grant contract is January 1, 2007 to December 31, 2008. (C-07-0030)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of a grant contract with the Friendship Home, in the amount of \$88,320, to provide funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations while strengthening legal advocacy services for victims of domestic abuse and dating violence. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

D. A contract with Intelligent Buildings L.L.C. for temperature control upgrades, in the amount of \$18,450, for the Lancaster County Extension Office. The work will begin upon execution of the contract and will be completed on or prior to May 25, 2007. (C-07-0031)

MOTION: Hudkins moved and Stevens seconded approval of a contract with Intelligent Buildings L.L.C. for temperature control upgrades, in the amount of \$18,450, for the Lancaster County Extension Office. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

E. A contract with Stephens and Smith Construction Company, Inc., in the amount of \$9,216, for site preparation work in connection with the construction of the Lancaster County Sheriff's shooting range building. The work will begin upon execution of the contract and will be completed two weeks prior to delivery of the building. (C-07-0032)

MOTION: Heier moved and Stevens seconded approval of a contract with Stephens and Smith Construction Company, Inc., in the amount of \$9,216, for site preparation work in connection with the construction of the Lancaster County Sheriff's shooting range building. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

F. An agreement with Plastic Surgical Arts, P.C. to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Plastic Surgical Arts, P.C. will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30 day termination provision. (C-07-0033)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of an agreement with Plastic Surgical Arts, P.C. to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

G. An agreement between the Lancaster County Engineering Department and Norris Public Power District for utility relocation at the intersection of Southwest 2nd Street and Panama Road, in the amount of \$24,870.37; Project No. C55-W-403(2). (C-07-0034)

MOTION: Heier moved and Stevens seconded approval of an agreement between the Lancaster County Engineering Department and Norris Public Power District for utility relocation at the intersection of Southwest 2nd Street and Panama Road, in the amount of \$24,870.37. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

H. An agreement with the Lancaster County Engineering Department and Speece-Lewis Engineers, in the amount of \$20,150, for replacement of County Bridge H-46 located between North 162nd and North 176th Streets; Project No BR-3340(7), Waverly Southeast. (C-07-0035)

MOTION: Stevens moved and Heier seconded approval of an agreement with the Lancaster County Engineering Department and Speece-Lewis Engineers, in the amount of \$20,150, for replacement of County Bridge H-46 located between North 162nd and North 176th Streets. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

I. An agreement with Release Ministries for chaplain services for youth detained at the Youth Services Center. The agreement is effective upon execution and includes a 30 day termination provision. The County will not be required to pay for such services. (C-07-0036)

MOTION: Schorr moved and Stevens seconded approval of an agreement with Release Ministries for chaplain services for youth detained at the Youth Services Center. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

J. A Local Security Administrator Authorization Form for the Federal Reserve Bank authorizing Tim Genuchi and Paul (Bill) Shuster of the Lancaster County Clerk's Office to transact business with the banks via the FedLine Web Savings Bonds application. (C-07-0039)

MOTION: Heier moved and Stevens seconded approval of a Local Security Administrator Authorization Form for the Federal Reserve Bank authorizing Tim Genuchi and Paul (Bill) Shuster of the Lancaster County Clerk's Office to transact business with the banks via the FedLine Web Savings Bonds application. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

K. An agreement between Lancaster County, on behalf of the Youth Services Center, and the State of Nebraska, Department of Health and Human Services, for the provision of detention services for youth committed to, or placed with the State's Office of Juvenile services. The County will be paid \$238 per youth, per day. Term of the agreement is October 1, 2006 through September 30, 2007. (C-07-0040)

MOTION: Hudkins moved and Stevens seconded approval of an agreement between Lancaster County, on behalf of the Youth Services Center, and the State of Nebraska, Department of Health and Human Services, for the provision of detention services for youth committed to, or placed with the State's Office of Juvenile services. Hudkins, Stevens and Workman voted aye. Heier and Schorr voted no. Motion carried.

L. An agreement with defenderData, L.L.C. to provide and install a test version of defenderData's case management software system for the Public Defender's Office and the County Attorney's Office. The agreement is effective upon execution and expires on February 28, 2007. The County will reimburse defenderData's travel expenses to Lincoln, in an amount not to exceed \$3,500. (C-07-0042)

MOTION: Stevens moved and Hudkins seconded approval of an agreement with defenderData, L.L.C. to provide and install a test version of defenderData's case management software system for the Public Defender's Office and the County Attorney's Office. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

M. An addendum to an agreement between Lancaster County, City of Lincoln, and A to Z Printing, under County Contract No C-05-0125, for offset printing services for various County and City departments. The addendum incorporates the printing of pre-print letterhead and business cards at the pricing outlined in Attachment 1. (C-07-0041)

MOTION: Stevens moved and Schorr seconded approval of an addendum to an agreement between Lancaster County, City of Lincoln, and A to Z Printing, under County Contract No C-05-0125, for offset printing services for various County and City departments. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

N. Recommendation from the Purchasing Agent and the Corrections Department to award a bid to Buller Fixture Company, in the amount of \$21,746, for a Hobart conveyor dishwasher. (B-07-0008)

MOTION: Hudkins moved and Stevens seconded approval to award a bid to Buller Fixture Company, in the amount of \$21,746, for a Hobart conveyor dishwasher as recommended by the Purchasing Agent and the Corrections Department. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

O. Approval of an activity report submitted to the Nebraska Department of Agriculture from Lancaster County Noxious Weed Control for 2007.

MOTION: Heier moved and Hudkins seconded approval of an activity report submitted to the Nebraska Department of Agriculture from Lancaster County Noxious Weed Control for 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

P. Appointment of Maura Kelly Tolzin and John Glynn to the Government Access and Information Committee for one year terms expiring December 31, 2007.

MOTION: Stevens moved and Hudkins seconded approval of the appointment of Maura Kelly Tolzin and John Glynn to the Government Access and Information Committee for one year terms expiring December 31, 2007. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

Q. Setting of salary for Captain William Jarrett at \$80,000 per annum, retroactive to January 18, 2007.

Terry Wagner, County Sheriff, gave a brief overview of the request.

MOTION: Heier moved and Stevens seconded approval of setting the salary for Captain William Jarrett at \$80,000 per annum, retroactive to January 18, 2007. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

R. A new appointment and reappointments of the following individuals to the Youth Services Center Advisory Committee:

New Appointment

Jim Holmquist, with CenterPointe

Reappointments (Two Year Terms)

Reggie Ryder, with the Public Defender's Office

Modesta Putla, with the Asian Community Center

Renee Dozier, with Region V Systems

Nathan Woods, with the Clyde Malone Community Center

Mark Funkhouser, with the Nebraska State Patrol

Terry Macholan, with the Lincoln Public Schools

Bill Janike, with the Child Guidance Center

Sheila Kadoi, with the Y.W.C.A.

Lynette Spears, with the Lincoln Police Department

Ben Houchin, with the Lancaster County Sheriff's Office

Dean Settle, with the Lancaster County Community Mental Health Center

David Rowe, citizen at large

MOTION: Heier moved and Hudkins seconded approval the new appointment and reappointments to the Youth Services Center Advisory Committee. Stevens, Heier, Schorr, Hudkins and Workman 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. Weed Control Authority's Monthly Report for December, 2006.**
- 2. Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for December, 2006.**

B. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and Craig A. and Stacy L. Hoy, in the total amount of \$3,429.91, on Bluff Road between North 148th and North 190th Streets; Project No. C55-H-402(1). (2 contracts) (C-07-0037 and C-07-0038)

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

7) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the meeting of the Board of Commissioners at 12:35 p.m.. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 30, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Others Present: Norm Agena, County Assessor/Register of Deeds
Kristy Bauer, Deputy County Attorney
Kerry Eagan, Chief Administrative Officer
Dan Nolte, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The meeting of the Board of Equalization was called to order at 12:35 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 23, 2007.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on January 23, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 436 additions and deductions to the tax assessment rolls per Attachment "A".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**BryanLGH Medical Center
Capitol City Christian Church
Parkview Christian School
St. Paul Lutheran Church**

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

4) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES FOR THE FOLLOWING:**

**Edward D. Beranek
Randy L. Fox
NEBCO**

MOTION: Schorr moved and Hudkins seconded to send notice of assessed valuation change to Edward D. Beranek, Randy L. Fox and Nebco. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded adjournment of the meeting of the Board of Equalization at 12:39 p.m.. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk