

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 12, 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: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
John Glynn, Chief Deputy County Clerk
Dan Nolte, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 5, 2007.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Commissioners meeting held on June 5, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, June 12, 2007.**

MOTION: Heier moved and Schorr seconded approval of all claims processed through June 12, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. The Commissioners Award of Excellence for May, 2007 was presented to Tinh Tran with the County/City Property Management Department.

MOTION: Hudkins moved and Schorr seconded approval of the Commissioners Award of Excellence for May, 2007 to Tinh Tran with County/City Property Management. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Continuation of a public hearing regarding a request from Ron's Pub Inc. d/b/a Ron's Pub for an addition to licensed premise located at 13940 "O" Street, Suite B8, Lincoln, Lancaster County, Nebraska. This request is for a banquet hall (Oasis Room) next to Ron's Pub. (See New Business Item 5A for correlating documentation.)

The Chair reconvened the public hearing.

Bob Creager, attorney for Ron's Pub, gave a brief overview of the request and indicated they are taking the County Board's concerns seriously and are willing to ask for the Board's approval of the request conditioned upon Mr. Skoda not being the manager.

Hudkins referred to County Resolution No. 05-0052, dated April 21, 2005, which outlines the procedures and standards for administering applications for liquor license within Lancaster County. He noted that Section V states, "*Qualified applicants: The applicants shall show by a preponderance of evidence that the type of management and control exercised over the licensed premise shall be sufficient to ensure that the licensed business can conform to all requirements, rules and regulations.*"

Creager stated Mr. Skoda signed the application on behalf of the corporation, Ron's Pub, Inc., which is requesting an addition to licensed premises.

Discussion took place regarding pending charges relating to Ron Skoda and Judy Swanson. Terry Wagner, Lancaster County Sheriff, referred to the latter individual indicating that individual was arrested a second time on May 18, 2007 for DWI, as well as the previous arrest in December, 2006.

4) **PUBLIC HEARINGS CONTINUED:**

The oath was administered to Rita Skoda, Keno Manager at Ron's Pub, Inc..

In response to a question asked by Heier relating to the manager on duty on May 18, 2007, Ms. Skoda responded Suzanne Miller was managing that evening.

Schorr inquired about Ms. Skoda's management experience.

Ms. Skoda stated she has managed business offices and ran her own business for two and a half years. She added she has also taken some business administration classes at the college level and has instituted a dress code at Ron's Pub and is currently working on an employee handbook as well as rules and regulations for the establishment and forms documenting shift changes. Ms. Skoda reported she has also held a mandatory employee meeting and has requested an application to enroll in the responsible hospitality/management training course through the Lincoln Police Department as well as requesting LPD to present a workshop for staff at Ron's Pub.

Entered into the record was a copy of the employee handbook for Ron's Pub (Exhibit 1).

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

B. Proposed revisions to the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards. (A copy of the proposed revisions is available in the County Clerk's Office for viewing.) (See New Business Item 5B for correlating documentation.)

The Chair opened the public hearing and asked if anyone wished to testify.

The oath was administered to Richard Thorson, Environmental Health Supervisor with the Lincoln-Lancaster County Health Department.

4) **PUBLIC HEARINGS CONTINUED:**

Thorson highlighted the following changes in the regulations and standards:

- Definition of crematory
- Correction of a typographical error
- Incorporate changes made at the Federal level regarding the national ambient air quality standards
- Change regulations to allow for the reduction of paperwork regarding crematories, both human and animal
- Incorporate changes regarding larger incinerators
- Add new standards for new sources of air pollution
- Add new standards for maximum achievable control technology
- Deletion of one hazardous air pollutant

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

C. Sale of surplus property of industrial land located at 831 Westgate Blvd, Lincoln, Lancaster County, Nebraska, legally described as Westgate Park for Business and Industry, Block 5, Lot 3.

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

The oath was administered to Tom Kubert with Great Plains Appraisal, Inc..

Kubert stated Great Plains Appraisal contracted with the County for an appraisal of industrial land located at 831 Westgate Boulevard. Fair market value, as indicated by Kubert, was \$110,000 (\$2.75/square foot) on April 25, 2007. He stated there are sales in the area, however, the property is unique from the standpoint that there is a power line running through the middle of the parcel.

In response to a question asked by Workman, Kerry Eagan, Chief Administrative Officer, stated the purpose of the hearing was to take evidence regarding the fair market value of the parcel and evidence for and against whether the parcel should be declared surplus. He added that if the Board chooses to sell the parcel, a public sale must be held within 60 days from the date of the hearing.

4) **PUBLIC HEARINGS CONTINUED:**

Kubert submitted a copy of the Summary Appraisal Report for the record (Exhibit 2).

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Stevens moved and Hudkins seconded to direct the County Attorney's Office to prepare a resolution declaring property located at 831 Westgate Blvd, Lincoln, Lancaster County, Nebraska, legally described as Westgate Park for Business and Industry, Block 5, Lot 3 as surplus, to set the fair market value at \$110,000 and to set the date of a public sale. Schorr, Hudkins, Stevens and Workman voted aye. Heier was absent from voting. Motion carried.

5) **NEW BUSINESS:**

A. A resolution in the matter of an application for an addition to licensed premise for Ron's Pub, Inc. d/b/a Ron's Pub, located at 13940 "O" Street, Suite B8, Lincoln, Lancaster County, Nebraska. (R-07-0041)

MOTION: Stevens moved and Heier seconded approval of Resolution 07-0041 in the matter of an application for an addition to licensed premise for Ron's Pub, Inc. d/b/a Ron's Pub, located at 13940 "O" Street, Suite B8, Lincoln, Lancaster County, Nebraska.

FRIENDLY AMENDMENT: Schorr offered that the recommendation to the Nebraska Liquor Control Commission indicate that the County Board's recommendation is based upon a change in the Corporate Manager designation which will occur on July 10, 2007.

Discussion followed regarding the friendly amendment.

CLARIFICATION OF MOTION WITH FRIENDLY AMENDMENT: Approval of Resolution 07-0041 in the matter of an application for an addition to licensed premise for Ron's Pub, Inc. d/b/a Ron's Pub, located at 13940 "O" Street, Suite B8, Lincoln, Lancaster County, Nebraska contingent upon an application for Corporate Manager for Rita R. Skoda being approved by the County Board and the Nebraska Liquor Control Commission.

5) **NEW BUSINESS CONTINUED:**

ROLL CALL: Schorr, Stevens and Heier voted aye. Hudkins and Workman voted no. Motion carried.

B. A resolution in the matter of amending Article 2, Sections 1, 4, 5, 17, 18, 22, 28, and Appendix II of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards as provided in Attachment A. (R-07-0042)

MOTION: Hudkins moved and Heier seconded approval of Resolution 07-0042 in the matter of amending Article 2, Sections 1, 4, 5, 17, 18, 22, 28, and Appendix II of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards as provided in Attachment A. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

C. A resolution in the matter of the vacation of a portion of Rokeby Road at its intersection with Breagan Road and the railroad crossing located in the Southeast Quarter of Section 25, Township 9 North, Range 7 East of the 6th P.M. and the Northeast Quarter of Section 36, Township 9 North, Range 7 East of the 6th P.M.. (R-07-0039)

MOTION: Stevens moved and Heier seconded approval of Resolution 07-0039 in the matter of the vacation of a portion of Rokeby Road at its intersection with Breagan Road and the railroad crossing located in the Southeast Quarter of Section 25, Township 9 North, Range 7 East of the 6th P.M. and the Northeast Quarter of Section 36, Township 9 North, Range 7 East of the 6th P.M.. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

D. A resolution in the matter of fixing the date, time and place for a public hearing regarding a request to vacate the north 530 feet of South 88th Street, north of Taliesin Drive located in the Southwest Quarter of Section 2, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. (Public hearing will be July 10, 2007.) This resolution replaces and rescinds Resolution No. R-07-0036. (R-07-0043)

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of Resolution 07-0043 in the matter of fixing the date, time and place for a public hearing regarding a request to vacate the north 530 feet of South 88th Street, north of Taliesin Drive located in the Southwest Quarter of Section 2, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. (Public hearing will be July 10, 2007.) This resolution replaces and rescinds Resolution No. R-07-0036. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

E. A resolution in the matter of transferring appropriations from the General Fund Miscellaneous Budget to various General Fund agencies. The amount to be transferred is \$1,005,002. (R-07-0044)

MOTION: Schorr moved and Stevens seconded approval of Resolution 07-0044 in the matter of transferring appropriations from the General Fund Miscellaneous Budget to various General Fund agencies. The amount to be transferred is \$1,005,002. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

F. A resolution in the matter of County Special Permit No. 07011, Wild Acres Community Unit Plan, requested by Lyle Loth of ESP on behalf of Keith and Kathryn Stewart, on property located at North 14th Street and Ashland Road in Lancaster County, Nebraska. (R-07-0045)

MOTION: Stevens moved and Heier seconded approval of Resolution 07-0045 in the matter of County Special Permit No. 07011, Wild Acres Community Unit Plan, requested by Lyle Loth of ESP on behalf of Keith and Kathryn Stewart, on property located at North 14th Street and Ashland Road in Lancaster County, Nebraska.

Discussion followed regarding the inclusion of 60 foot right-of-way along Ashland Road, North 14th Street and North 1st Street.

MOTION: Hudkins moved to direct the County Attorney's Office to include 60 foot right-of-way.

There was no second to the motion.

5) **NEW BUSINESS CONTINUED:**

The seconder withdrew his second on the original motion.

Board consensus to hold the resolution for one week.

MOTION: Heier moved and approval of Resolution 07-0045 in the matter of County Special Permit No. 07011, Wild Acres Community Unit Plan, requested by Lyle Loth of ESP on behalf of Keith and Kathryn Stewart, on property located at North 14th Street and Ashland Road in Lancaster County, Nebraska subject to designation of 60 foot right-of-way on all perimeter roads on the Community Unit Plan and to being approved at the Staff Meeting on Thursday, June 14, 2007. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

G. An application for a special events permit from Jane Cockerham to hold an auction on Lincoln Street from First Street to the Cheney United Methodist property at 8541 Lincoln Street, Cheney, Lancaster County, Nebraska. The auction will be held on Saturday, June 23, 2007 from 8 a.m. to 4 p.m..

Appearing was Jane Cockerham, applicant, who gave an brief overview of the application.

MOTION: Schorr moved and Hudkins seconded approval of an application for a special events permit from Jane Cockerham to hold an auction on Lincoln Street from First Street to the Cheney United Methodist property at 8541 Lincoln Street, Cheney, Lancaster County, Nebraska. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

H. An amendment to the standard product support and software upgrade agreement for TRIM software between Lancaster County and Tower Software, under County Contract Number C-01-0590, to provide standard product support services for the County's 450 user licenses of TRIM Context 6 software, at a cost to the County of \$48,425 annually. (C-07-0215)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of an amendment to the standard product support and software upgrade agreement for TRIM software between Lancaster County and Tower Software, under County Contract Number C-01-0590, to provide standard product support services for the County's 450 user licenses of TRIM Context 6 software, at a cost to the County of \$48,425 annually. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

I. An agreement with Quality Pain Therapies, Inc. 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 Quality Pain Therapies, Inc. 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-07-0216)

Item was held at the request of General Assistance.

J. A quote from O'Keefe Elevator Company, Inc., in the amount of \$445, for an elevator fan motor replacement at Trabert Hall. (C-07-0217)

MOTION: Hudkins moved and Heier seconded approval of a quote from O'Keefe Elevator Company, Inc., in the amount of \$445, for an elevator fan motor replacement at Trabert Hall. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

K. Amendment to a contract between Lancaster County and T.T.P. Cleaners d/b/a Dry Clean City, under County Contract Number C-04-0326, for uniform cleaning and related services for the Sheriff's Office. The amendment extends the contract for an additional three year period beginning August 1, 2007 and ending July 30, 2010. All other terms of the contract remain in effect. (C-07-0222)

MOTION: Stevens moved and Heier seconded approval of an amendment to a contract between Lancaster County and T.T.P. Cleaners d/b/a Dry Clean City, under County Contract Number C-04-0326, for uniform cleaning and related services for the Sheriff's Office. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

L. Promotion of Kristy Bauer from Attorney I to Attorney II and setting of salary at \$63,787, effective June 7, 2007.

MOTION: Heier moved and Hudkins seconded approval of the promotion of Kristy Bauer from Attorney I to Attorney II and setting of salary at \$63,787, effective June 7, 2007. Schorr, Hudkins, Heier, Stevens 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. County Assessor/Register of Deeds Monthly Report for May, 2007.**
- 2. County Clerk's Monthly Report for May, 2007.**
- 3. Clerk of the District Court's Monthly Report for May, 2007.**
- 4. Sheriff's Report of Fees for April, 2007.**

B. Setting of a public hearing on Tuesday, July 3, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for corporate manager for Janet M. Corning in connection with a Class D (Spirits, Wine, Beer, Off Sale Only) liquor license for Nebraska Retail Ventures L.L.C. d/b/a Kabredlos #117, located at 10000 South 158th Street, Bennet, Lancaster County, Nebraska.

C. Setting of a public hearing on Tuesday, July 10, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for corporate manager for Rita R. Skoda in connection with a Class C (Spirits, Wine, Beer On & Off Sale) liquor license for Ron's Pub Inc. d/b/a Ron's Pub located at 13940 "O" Street, Suite 8, Lincoln, Lancaster County, Nebraska.

D. A leasehold contract relating to road improvements between the Lancaster County Engineering Department and Rodney Hollman, in the amount of \$10, west of Southwest 29th Street on West Martell Road; Project CP-T-94. (C-07-0218)

6) CONSENT ITEMS CONTINUED:

E. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- Robert Shumaker, in the amount of \$83, south of "A" Street on South 176th Street; Project CP-J-245. (C-07-0219)
- Robert Shumaker, in the amount of \$91, south of "A" Street on South 176th Street; Project CP-J-205. (C-07-0220)
- Marla Miller, in the amount of \$661, west of Southwest 29th Street on West Martell Road; Project No. CP-T-94. (C-07-0221)

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

7) ADJOURNMENT:

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 11:07 a.m.. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 12, 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
Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
John Glynn, Chief Deputy County Clerk
Dan Nolte, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 11:07 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 5, 2007.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Equalization meeting held on June 5, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 47 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Developmental Services of Nebraska, Inc.
First Free Methodist Church a/k/a Living Faith Free Methodist Church
Glad Tidings Assembly of God
Gospel Outreach Ministries
Holy Family Sisters of the Needy
Lincoln Lancaster Child Guidance Center
MOSAIC
Nebraska Wesleyan University
St. Peter's Catholic Church of Lincoln
Second Baptist Church
Sheridan Lutheran Church**

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

4) **ADJOURNMENT:**

MOTION: Heier moved and Hudkins seconded adjournment of the Board of Equalization meeting at 11:09 a.m.. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk