

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 10, 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
Deb Schorr

Commissioners Absent: Larry Hudkins
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, July 3, 2007.**

MOTION: Schorr moved and Heier seconded approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 3, 2007. Schorr, Heier and Workman voted aye. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, July 10, 2007.**

MOTION: Heier moved and Stevens seconded approval of all claims processed through July 10, 2007. Schorr, Heier and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. The Commissioners Award of Excellence for June, 2007 was presented to the team of Kimberly Mundil, Renee Felder, Deb Van Lent and Randy Thurber with the Community Mental Health Center.

4) **PUBLIC HEARINGS:**

A. 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.

The Chair opened the public hearing.

The oath was administered to Bob Creager, attorney representing the applicant, and to Rita Skoda, applicant.

Creager gave a brief background regarding the application indicating Mrs. Skoda completed management training with the Responsible Hospitality Council. Submitted for the record was the *Certificate of Completion* of the *Hospitality Insider Training* program (Exhibit 1).

In response to a question asked by Workman, Mrs. Skoda stated Ron Skoda is her boss. She added that she does have input regarding the management of the establishment.

Schorr asked Mrs. Skoda to address changes which have been made relating to the operation of the establishment.

Mrs. Skoda stated there are currently four new employees in training. She stated once the new employees are trained they will then have an individual from the Responsible Hospitality Council conduct additional training.

Heier asked Mrs. Skoda if she is willing to shut the boss off when he drinks too much at the bar?

Mrs. Skoda responded yes.

Heier also asked Mrs. Skoda if she is willing to call the police (Sheriff's Office) if necessary?

Mrs. Skoda responded yes.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **PUBLIC HEARINGS CONTINUED:**

MOTION: Heier moved and Schorr seconded to recommend approval of the 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.

Schorr noted that the Board's previous action relating to an addition to licensed premise was contingent upon their recommendation of approval of a Corporate Manager application for Rita R. Skoda.

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

B. Vacation of 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.

The Chair opened the public hearing.

The oath was administered to Jennifer Strand, attorney representing Firethorn Golf Company, and Mark Palmer, representing Olsson Associates.

Strand reported they have worked with the City, County and the residents of Firethorn, as well as the neighbors to resolve a number of issues.

Palmer gave an overview of the request indicating 88th Street would remain a County road.

The Chair asked if anyone else wished to testify.

The oath was administered to Roger Massey, 4131 Taliesin Drive.

Massey referred to a parcel of land on an aerial map stating that Dick Youngscap could not have purchased the land without the public schools. He added that Mr. Youngscap and his investors also provided another access and means of egress which was just described.

The Chair asked if anyone else wished to testify.

No one appeared.

4) **PUBLIC HEARINGS CONTINUED:**

Tom Fox, Deputy County Attorney, addressed three options the Board may consider if the vacation is approved:

- Sell the property
- Revert to private ownership
- Remain in public use

He stated it was his belief that the property owners who brought the petition forward are willing to purchase the land. Fox added that the owners, as part of the annexation agreement, would like an easement through the area for future public use. He recommended that an easement be granted for public use and filed with the Register of Deeds Office prior to selling the land to the adjacent property owners.

Fox recommended that the County Board direct the County Attorney's Office to draft a resolution approving the vacation of 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 subject to the sale of the property to the adjacent property owners and also subject to easements and restrictions, including utility easements.

The oath was administered to Mike DeKalb, Planning Department.

In response to a question asked by Workman, DeKalb stated Planning staff, as well as Planning Commission, approved the vacation. He added that the City Council has also approved the vacation.

The public hearing was closed.

MOTION: Heier moved and Schorr seconded to direct the County Attorney's Office to draft a resolution approving the vacation of 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, subject to the land being sold to the adjacent property owners and also subject to easements and restrictions, including utility easements. Heier, Schorr and Workman voted aye. Motion carried.

4) **PUBLIC HEARINGS CONTINUED:**

C. Street Name Change No. 07001, requested by the Director of Planning, to rename certain streets in the unincorporated villages of Walton, Kramer, Martell, Prairie Home, Princeton and Rokeby in Lancaster County, Nebraska.

The Chair opened the public hearing.

The oath was administered to Ray Hill, Planning Department.

Hill gave an overview of the proposal explaining that the renaming of certain streets within the unincorporated villages of Walton, Kramer, Martell, Prairie Home, Princeton and Rokeby will allow them to fit into the uniform addressing system and will also avoid duplication and confusing street names.

Submitted into the record was email, dated July 10, 2007, from Gordon and Nanci Kyhn regarding the proposal (Exhibit 2).

Fox noted that Martell is located within the one-mile zoning and subdivision jurisdiction of Sprague and that the Village of Sprague would need to approve the name changes within Martell. He explained there is an interlocal agreement between the County and the Village of Sprague which they are currently working to amend to allow the County the authority to change street names within the Village of Sprague's one-mile zoning jurisdiction.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Schorr moved and Heier seconded to direct the County Attorney's Office to draft a resolution approving the street name changes as outlined for the villages of Walton, Kramer, Martell, Prairie Home, Princeton and Rokeby, subject to the approval of the street name changes in Martell by the Village of Sprague. Heier, Schorr and Workman voted aye. Motion carried.

5) **OLD BUSINESS:**

- A. An interlocal agreement with the State of Nebraska, Administrative Office of the Courts for the administration of the Lancaster County Family Drug Court through the Juvenile Court Bailiff II assigned to the Lancaster County Family Drug Court. The Juvenile Court Bailiff will perform drug court coordinator responsibilities and support services that are in addition to her current duties. The Administrative Office of the Courts will pay the County a sum total, not to exceed \$11,254.88, for such services and to cover the Juvenile Court Bailiff II's additional salary, withholding and benefits for performing the drug court coordinator responsibilities and support services. Term of the agreement is from July 1, 2007 through June 30, 2008. (C-07-0256)**

Fox clarified that the interlocal agreement is with the State of Nebraska, however, prior to increasing the salary for the bailiff another agreement will need to be drafted indicating that should the additional duties of the bailiff be reassigned or discontinued the salary would be reduced an equal amount.

MOTION: Heier moved and Schorr seconded approval of an interlocal agreement with the State of Nebraska, Administrative Office of the Courts for the administration of the Lancaster County Family Drug Court through the Juvenile Court Bailiff II assigned to the Lancaster County Family Drug Court. Schorr, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. A resolution in the matter of 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. (R-07-0050)**

MOTION: Heier moved and Schorr seconded approval of Resolution 07-0050 in the matter of 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. Schorr, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**B. A resolution in the matter of authorizing traffic signs as follows:
(R-07-0051)**

- Remove all weight limit signs for County Bridge F-44

On Northwest 48th Street make the following changes:

- Replace existing northbound right curve sign located one-quarter mile south of Highway 34 with a right reverse curve sign
- Replace existing southbound left curve sign located 300 feet south of Highway 34 with a right reverse curve sign
- Install a northbound signal ahead sign 400 feet south of Highway 34
- Install a southbound right lane ends sign 500 feet south of Highway 34
- Install a southbound 45 mile per hour speed limit sign 100 feet south of Highway 34

At the intersection of the new alignment of Northwest 48th Street and the old alignment of Northwest 48th Street make the following changes:

- Install a 'STOP' sign on the old alignment of Northwest 48th Street for westbound traffic
- Install a 'NO OUTLET' sign on the old alignment of Northwest 48th Street for eastbound traffic 75 feet east of the new alignment of Northwest 48th Street
- Install a 30 mile per hour speed limit sign on the old alignment of Northwest 48th Street for eastbound traffic 150 feet east of the new alignment of Northwest 48th Street

MOTION: Schorr moved and Heier seconded approval of Resolution 07-0051 in the matter of authorizing traffic signs in Lancaster County, Nebraska. Heier, Schorr and Workman voted aye. Motion carried.

C. An application for a Special Events Permit from Benson Enterprises, Inc. d/b/a The Maize at Benson Farms to operate a corn maze beginning on Saturday, September 22, 2007 and ending on Wednesday, October 31, 2007, at 5600 Southwest 140th Street, Denton, Lancaster County, Nebraska. The maze will operate on weekends only (Friday, Saturday and Sunday) with the exception of Tuesday, October 30th and Wednesday, October 31st when it will also operate. Hours of operation will vary.

Chester Lim, appeared on behalf of Benson Enterprises, Inc..

Lim gave an overview of the corn maze stating that it is the third year of operation with John Deere being the major sponsor for 2007. He added that the York College Athletic Department is going to haunt a portion of the maze.

6) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Heier seconded approval of an application for a Special Events Permit from Benson Enterprises, Inc. d/b/a The Maize at Benson Farms to operate a corn maze beginning on Saturday, September 22, 2007 and ending on Wednesday, October 31, 2007, at 5600 Southwest 140th Street, Denton, Lancaster County, Nebraska. Schorr, Heier and Workman voted aye. Motion carried.

D. An application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service for a wedding reception on Saturday, July 28, 2007 from 4 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street, Lancaster County, Nebraska.

MOTION: Heier moved and Schorr seconded approval of an application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service for a wedding reception on Saturday, July 28, 2007 from 4 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street, Lancaster County, Nebraska. Heier, Schorr and Workman voted aye. Motion carried.

E. An agreement between Lancaster County and Lyle D. and Alice K. Sittler to construct a fence for the retention of livestock along road right-of-way located on the south side of West Bennet Road to one-half mile west of Southwest 72nd Street. There will be no cost to the County. (C-07-0274)

At the request of the County Attorney's Office, this item was held.

F. Change Order No. 01 to a contract with Constructors, Inc. for construction of the Jamaica North Trail; Project No. STPB-55. The change order increases the contract sum from \$483,769.50 to \$494,469.50. (C-07-0275)

MOTION: Schorr moved and Heier seconded approval of Change Order No. 01 to a contract with Constructors, Inc. for construction of the Jamaica North Trail; Project No. STPB-55. The change order increases the contract sum from \$483,769.50 to \$494,469.50. Schorr, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

G. Change Order No. 02 to a contract with Constructors, Inc. for construction of the Jamaica North Trail; Project STPB-55. The change order decreases the contract sum, after approval of Change Order No. 1, from \$494,469.50 to \$493,957.66. (C-07-0276)

MOTION: Heier moved and Schorr seconded approval of Change Order No. 02 to a contract with Constructors, Inc. for construction of the Jamaica North Trail; Project STPB-55. The change order decreases the contract sum, after approval of Change Order No. 1, from \$494,469.50 to \$493,957.66. Schorr, Heier and Workman voted aye. Motion carried.

H. An amendment to an agreement with the State Public Policy Group d/b/a Nebraska Public Policy Group for the provision of services to assist the Community Mental Health Center in the implementation of the Lancaster County Jail Diversion Capacity Expansion grant. The amendment extends the term of the agreement to August 31, 2007 and will increase the total amount of paid for services from \$42,750 to \$49,875. (C-07-0277)

MOTION: Schorr moved and Heier seconded approval of an amendment to an agreement with the State Public Policy Group d/b/a Nebraska Public Policy Group for the provision of services to assist the Community Mental Health Center in the implementation of the Lancaster County Jail Diversion Capacity Expansion grant. Schorr, Heier and Workman voted aye. Motion carried.

I. A Social Security Access agreement between the Nebraska Department of Health and Human Services and Lancaster County on behalf of the Lancaster County Attorney's Office. The agreement establishes the terms and conditions for the use, disclosure and protection of personally identifiable information held by the Social Security Administration and accessed by the County Attorney's Office through its Child Support Enforcement duties. The agreement is effective upon execution by both parties and will continue through December 31, 2009. There will be no cost to the County for such access. (C-07-0278)

6) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Schorr seconded approval of a Social Security Access agreement between the Nebraska Department of Health and Human Services and Lancaster County on behalf of the Lancaster County Attorney's Office. Schorr, Heier and Workman voted aye. Motion carried.

J. Request from Shirley Schutte for a refund of real property taxes for 2006.

Norm Agena, County Assessor/Register of Deeds, recommended approval of a refund of 2006 real property taxes for Shirley Schutte. He explained that the records showed all of the land as being irrigated when only a portion is irrigated. He added that a correction has been made for 2007.

MOTION: Heier moved and Schorr seconded approval of a request from Shirley Schutte for a refund of real property taxes for 2006. Heier, Schorr and Workman voted aye. Motion carried.

K. A political subdivision tort claim filed against the Lancaster County Corrections Department by Darrell Eloge for lost property, in the amount of \$272.96.

MOTION: Heier moved and Schorr seconded denial of a political subdivision tort claim filed against the Lancaster County Corrections Department by Darrell Eloge for lost property, in the amount of \$272.96. Schorr, Heier and Workman voted aye. Motion carried.

L. Recommendation of the Lancaster County Personnel Policy Board to change the pay grade for the classification of Computer & GIS Records Assistant II from the current pay grade of \$47,172.32 to \$60,424 (C18) to a proposed pay grade of \$48,871.68 to \$62,599.68 (C19).

MOTION: Heier moved and Schorr seconded approval of the recommendation of the Lancaster County Personnel Policy Board to change the pay grade for the classification of Computer & GIS Records Assistant II from the current pay grade of \$47,172.32 to \$60,424 (C18) to a proposed pay grade of \$48,871.68 to \$62,599.68 (C19). Heier, Schorr and Workman voted aye. Motion carried.

7) **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 Clerk's Monthly Report for June, 2007.**
- 2. Clerk of the District Court's Monthly Report for June, 2007.**

B. Setting of public hearings for Tuesday, July 24, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. County Special Permit No. 07019, Brock Estates Community Unit Plan, requested by Civil Design Group on behalf of Jeffrey and Denise Fredrick, on property generally located at Northwest 12th Street and West Raymond Road, Lancaster County, Nebraska.

2. County Special Permit No. 143A, requested by US Cellular, to allow an amendment to extend the height of the existing 180 foot tower to 225 feet for wireless facilities capable of accommodating at least three carriers, on property generally located one-quarter mile south of the intersection of Southwest 86th Street and West Roca Road (Highway 33), Lancaster County, Nebraska.

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

8) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded adjournment of the Board of Commissioners meeting at 10:39 a.m.. Schorr, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 10, 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
Deb Schorr

Commissioners Absent: Larry Hudkins
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

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 3, 2007.**

MOTION: Schorr moved and Heier seconded approval of the minutes of the Board of Equalization meeting held on July 3, 2007. Schorr, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 17 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Catholic Bishop of Lincoln
Corporation of Presiding Bishop of Church of Jesus Christ of Latter Day
Saints
Villa Marie School**

MOTION: Heier moved and Schorr seconded approval of the motor vehicle tax exemptions for Catholic Bishop of Lincoln and Villa Marie School and to also approve the motor vehicle tax exemption for Corporation of Presiding Bishop of Church of Jesus Christ of Latter Day Saints subject to the vehicle being titled and registered to the applicant. Heier, Schorr and Workman voted aye. Motion carried.

4) **LANCASTER COUNTY ASSESSOR/REGISTER OF DEEDS REPORT OF
CORRECTIVE ACTION NEEDED FOR OVERVALUED AND UNDERVALUED
PROPERTIES PURSUANT TO NEB. REV. STAT. § 77-1315.01:**

Nebraska Prairie L.L.C. (3 notices)

Norm Agena, County Assessor/Register of Deeds, explained that the parcels were inadvertently removed from greenbelt status. The notices to be sent out will reinstate the greenbelt status. Recommendation was to send the notices.

MOTION: Heier moved and Schorr seconded to accept the recommendation of the County Assessor/Register of Deeds and send notice to Nebraska Prairie L.L.C. (3 notices). Schorr, Heier and Workman voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded adjournment of the Board of Equalization meeting at 10:43 a.m.. Schorr, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk