

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 11, 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
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, September 4, 2007.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting held on September 4, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, September 11, 2007.**

MOTION: Schorr moved and Stevens seconded approval of all claims processed through September 11, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. The Commissioners Award of Excellence for August, 2007 was presented to Jeffery Payne with the Lancaster County Corrections Department.

4) **PUBLIC HEARINGS:**

A. County Special Permit No. 07032, requested by Doug Barry for Radix, Inc., for authority to operate a youth athletic club and semi-public building on a 20-acre parcel, generally located at Southwest 14th Street and West Wittstruck Road, Lancaster County, Nebraska. This is proposed to be a church-based youth athletic club with a main building and activities located in the wooded area of the 20-acre parcel. A 20,000 square foot building is proposed to accommodate up to 50 persons (youth), operating from two to five days per week, primarily in the summer months. (See New Business Item 6A for correlating resolution.)

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

The oath was administered to Mike Eckert with Civil Design Group.

Eckert gave a brief overview of the proposal and the land use process used.

Hudkins asked if the lagoons would be located within the twenty-acre parcel.

Eckert referred to a revised map and indicated the lagoons would be located within the 20 acres. He added that the map shows revisions made in consultation with Planning staff.

Heier asked if a well had been drilled.

Eckert stated no.

The oath was administered to Doug Barry, Director of Radix, Inc.

Barry gave an overview of the proposal stating he began the camp in his back yard with a small group of youth. He added that the camp/club approaches young people who are striving for good things and that it will be very positive and challenging and will emphasize youth to become leaders of their future families, communities and businesses.

Submitted into the record by Barry was a letter, dated September 10, 2007, from Tony Ojeda in support of the special permit (Exhibit 1).

Heier asked if there would be limitations on any of the activities.

4) **PUBLIC HEARING CONTINUED:**

Barry stated there would be no firearms and no motorized vehicles allowed. He stated it will be primarily physical activity such as rope climbing, monkey bars and jumping.

Stevens asked how individuals would be determined as club members.

Barry stated he, as the director, would determine whether individuals fit the parameters of what they are trying to do with the club.

Heier asked if there was a particular church associated with the club.

Barry stated a Christian approach is used based on faith, hope, charity, prudence, justice, temperance and fortitude.

In response to a question asked by Stevens, Barry stated the ages of the youth range from seven to 18.

Schorr asked if there was a charge to attend the camp.

Barry stated there will be a charge, however, at the current time there is none.

The oath was administered to Samuel Pines, Gregory Waddle, Alex Pfeifer and Patsy Urbanovsky who testified in favor of the proposal.

The oath was administered to Mike DeKalb, Planning Department.

In response to a question asked by Heier regarding the final plat and preliminary plat, DeKalb explained that it is an existing platted parcel. He stated there would be no plat because everything is over 20 acres and gave a brief explanation regarding the procedure used.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

5) **OLD BUSINESS:**

A. Request from Don Thomas, Lancaster County Engineer, for a one step pay increase for Alex Olson due to exceptional circumstances.

Don Thomas, County Engineer, gave a brief explanation of the request.

MOTION: Hudkins moved and Stevens seconded approval of a request from Don Thomas, Lancaster County Engineer, for a one step pay increase for Alex Olson due to exceptional circumstances. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS:**

A. A resolution in the matter of County Special Permit No. 07032, requested by Radix, Inc., for authority to operate a youth athletic club and semi-public 20,000 square foot main building on a 20-acre parcel generally located at Southwest 14th Street and West Wittstruck Road, Lancaster County, Nebraska. (R-07-0087)

MOTION: Schorr moved and Stevens seconded approval of Resolution 07-0087 in the matter of County Special Permit No. 07032, requested by Radix, Inc., for authority to operate a youth athletic club and semi-public 20,000 square foot main building on a 20-acre parcel generally located at Southwest 14th Street and West Wittstruck Road, Lancaster County, Nebraska.

MOTION: Stevens moved and Heier seconded to defer for one week Resolution 07-0087 in the matter of County Special Permit No. 07032 to allow for review of the revised site map. Stevens and Heier voted yes. Schorr, Hudkins and Workman voted aye. Motion failed.

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

Schorr requested that the final plat be provided to the County Board for informational purposes.

DeKalb stated the Planning Department would provide the County Board copies of the revised drawings of the special permit when they get them.

6) **NEW BUSINESS CONTINUED:**

B. A resolution in support of a grant application to the Recreational Trails Program for the purpose of constructing a motocross facility at the Abbott Sports Complex. (R-07-0086)

MOTION: Stevens moved and Heier seconded approval of Resolution 07-0086 in support of a grant application to the Recreational Trails Program for the purpose of constructing a motocross facility at the Abbott Sports Complex. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

C. A contract between Lancaster County and ABC Seamless Siding for siding, fascia and gutter replacement at Lancaster Manor. The contract shall be effective upon execution. The work on the siding and fascia will be completed by October 30, 2007 and the gutter work will be completed by November 15, 2007. The cost to the County is \$47,623.10. (C-07-0353)

MOTION: Heier moved and Stevens seconded approval of a contract between Lancaster County and ABC Seamless Siding for siding, fascia and gutter replacement at Lancaster Manor. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

D. A contract between Lancaster County and AMS Imaging, Inc. for the purchase of microfilming supplies on an as needed basis. Term of the contract is from August 15, 2007 through August 14, 2008 with an option to renew for two, one-year periods. The price of the microfilming supplies is according to the accepted proposal of AMS Imaging which is attached to the contract. (C-07-0354)

MOTION: Stevens moved and Hudkins seconded approval of a contract between Lancaster County and AMS Imaging, Inc. for the purchase of microfilming supplies on an as needed basis. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

E. A contract between Lancaster County and Anacomp, Inc. for the purchase of microfilming supplies on an as needed basis. Term of the contract is from August 15, 2007 through August 14, 2008 with an option to renew for two, one-year periods. The price of the microfilming supplies is according to the accepted proposal of Anacomp, Inc. which is attached to the contract. (C-07-0355)

MOTION: Hudkins moved and Schorr seconded approval of a contract between Lancaster County and Anacomp, Inc. for the purchase of microfilming supplies on an as needed basis. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

F. A contract between Lancaster County and Spectramedia, Inc. for the purchase of microfilming supplies on an as needed basis. Term of the contract is from August 15, 2007 through August 14, 2008 with an option to renew for two, one-year periods. The price of the microfilming supplies is according to the accepted proposal of Spectramedia, Inc. which is attached to the contract. (C-07-0356)

MOTION: Heier moved and Stevens seconded approval of a contract between Lancaster County and Spectramedia, Inc. for the purchase of microfilming supplies on an as needed basis. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

G. Change Order No. 1 to County Contract No. C-07-0138 with Brandt Excavating, Inc., in the amount of \$10,800, for erosion control at County Structure A-138. Soil conditions at the site have proven unstable and will require additional rip-rap material to stabilize the toe of the embankment. The change order will establish a basis of payment for concrete rip-rap. (C-07-0357)

MOTION: Hudkins moved and Heier seconded approval of Change Order No. 1 to County Contract No. C-07-0138 with Brandt Excavating, Inc., in the amount of \$10,800, for erosion control at County Structure A-138. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

H. A risk and information analytics group application and agreement with LexisNexis for computerized access to public records from over 15,000 sources. The access to public records will be used by the County Attorney's Office for Child Support Enforcement. Term of the agreement is from October 1, 2007 to September 30, 2008. The County will pay a flat rate fee of \$280 per month. (C-07-0358)

Tom Fox, Deputy County Attorney, informed the County Board that there is a disclaimer of warranties which limits the warranties of the software. He explained the software allows the County Attorney's office to search public records in relation to their child support enforcement duties.

MOTION: Schorr moved and Stevens seconded approval of a risk and information analytics group application and agreement with LexisNexis for computerized access to public records from over 15,000 sources. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

I. A memorandum of understanding with the 14 counties of Region One Coordination and Communications (ROCC) for the following:

- ▶ **Formalize the ROCC**
- ▶ **Establish and coordinate planning, exercise and training (PET) activities and interoperable communications within the Region in order to expedite efficient deployment of resources on a regional basis for public safety and regional emergency management response**
- ▶ **Coordinate with other counties in the Region regarding the use of grant funds for the regional PET process and equipment.**

Lancaster County maintains oversight and authority of its own jurisdiction regarding emergency management, and has sole control and discretion regarding the use of any grant funds provided to Lancaster County for emergency management functions. (C-07-0359)

This item was held at the request of the County Attorney's Office.

6) **NEW BUSINESS CONTINUED:**

- J. An interlocal agreement between Lancaster County and the City of Hickman, in the amount of \$339,148.80, for construction of Project No. C55-S-401(6), Hickman Viaduct, relocation of City owned utilities and the establishment of maintenance responsibilities thereafter. (C-07-0360)**

Don Thomas, County Engineer, gave a brief update regarding the agreement.

MOTION: Schorr moved and Stevens seconded approval of an interlocal agreement between Lancaster County and the City of Hickman, in the amount of \$339,148.80, for construction of Project No. C55-S-401(6), Hickman Viaduct, relocation of City owned utilities and the establishment of maintenance responsibilities thereafter. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

- K. A subdivision agreement between Lancaster County and Robert and Ninette Lookabaugh regarding County Final Plat No. 07024, Lakewood Hills, on property generally located at North 84th Street and Agnew Road. (C-07-0361)**

MOTION: Stevens moved and Hudkins seconded approval of a subdivision agreement between Lancaster County and Robert and Ninette Lookabaugh regarding County Final Plat No. 07024, Lakewood Hills, on property generally located at North 84th Street and Agnew Road. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

- L. An amendment to an agreement between Lancaster County and David Thompson, Attorney at Law, under County Contract Number C-05-0371. The amendment allows David Thompson to assume juvenile cases assigned by the Public Defender, except for abuse and neglect cases, for the period extending between September 12, 2007 and October 5, 2007. The amendment is necessary due to an immediate staffing shortage at the Public Defender's Office. The cost to the County is \$7,020. (C-07-0362)**

MOTION: Stevens moved and Heier seconded approval of an amendment to an agreement between Lancaster County and David Thompson, Attorney at Law, under County Contract Number C-05-0371. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

M. An amendment to a contract with Nebraska Rents, under County Contract No. C-06-0612, for equipment and accessory rental for Lancaster County and the City of Lincoln, at rates as specified in the contract. The amendment extends the term of the contract for an additional year between November 1, 2007 and October 31, 2008. (C-07-0363)

MOTION: Stevens moved and Hudkins seconded approval of an amendment to a contract with Nebraska Rents, under County Contract No. C-06-0612, for equipment and accessory rental for Lancaster County and the City of Lincoln, at rates as specified in the contract. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

N. Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid for gravel hauling to various County stockpiles as follows: (R-07-0050)

Project 08-06-H - 3000 Tons - Davey Stockpile

Hiskey Trucking (Hauler)	\$4.05/Ton	\$ 12,150
Lyman-Richey (Producer)	\$8.65/Ton	<u>\$ 25,950</u>

Total Davey Stockpile \$ 38,100

Project 08-07H - 7000 Tons - Raymond Maintenance Station Stockpile

Lyman-Richey (Hauler)	\$3.29/Ton	\$ 23,030
Lyman-Richey (Producer)	\$8.65/Ton	<u>\$ 60,550</u>

Total Raymond Maintenance Station Stockpile \$ 83,580

Project 08-08H - 6400 Tons - Roca Maintenance Station Stockpile

Hiskey Trucking (Hauler)	\$5.20/Ton	\$ 33,280
Lyman-Richey (Producer)	\$8.65/Ton	<u>\$ 55,360</u>

Total Roca Maintenance Station Stockpile \$ 88,640

Project 08-09H - 4000 Tons - South 68th Street Stockpile

Buel Trucking (Hauler)	\$6.23/Ton	\$ 24,920
Lyman-Richey (Producer)	\$8.65/Ton	<u>\$ 34,600</u>

Total South 68th Street Stockpile \$ 59,520

6) **NEW BUSINESS CONTINUED:**

Project 08-10H - 5000 Tons - Southwest 12th Street and Saltillo Road Stockpile

Madlock Trucking (Hauler)	\$5.13/Ton	\$ 25,650
Lyman-Richey (Producer)	\$8.65/Ton	<u>\$ 43,250</u>

Total Southwest 12th Street & Saltillo Road Stockpile \$ 68,900

Project 08-11H - 4900 Tons - Walton Maintenance Station

Buel Trucking (Hauler)	\$3.68/Ton	\$ 18,032
Lyman-Richey (Producer)	\$8.65/Ton	<u>\$ 42,385</u>

Total Walton Maintenance Station \$ 60,417

Project 08-12H - 6800 Tons - Waverly Maintenance Station Stockpile

Husker Trucking (Hauler)	\$2.68/Ton	\$ 18,224
Lyman-Richey (Producer)	\$8.65/Ton	<u>\$ 58,820</u>

Total Waverly Maintenance Station \$ 77,044

Project 08-13H - 2900 Tons - Emerald Maintenance Station Stockpile

Husker Trucking (Hauler)	\$4.75/Ton	\$ 13,775
Lyman-Richey (Producer)	\$8.65/Ton	<u>\$ 25,085</u>

Total Emerald Maintenance Station \$ 38,860

Project 08-14H - 3500 Tons - Southwest 98th Street and Saltillo Road Stockpile

Westover Trucking (Hauler)	\$5.85/Ton	\$ 20,475
Lyman-Richey (Producer)	\$8.65/Ton	<u>\$ 30,275</u>

Total Southwest 98th Street and Saltillo Road Stockpile \$ 50,750

Project 08-15H - 1500 Tons - Southwest 100th Street and Hallam Road Stockpile

Husker Trucking (Hauler)	\$6.80/Ton	\$ 10,000
Lyman-Richey (Producer)	\$8.65/Ton	<u>\$ 12,975</u>

Total Southwest 100th Street and Hallam Road Stockpile \$ 23,175

Total of hauling and production is \$588,986.

MOTION: Hudkins moved and Stevens seconded to award a bid for gravel hauling to various County stockpiles as recommended by the Purchasing Agent and the County Engineer. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

O. A political subdivision tort claim filed against Lancaster County Corrections by John Ladd, in the amount of \$900,000, for alleged improper medical care and injuries allegedly sustained while incarcerated at the jail.

Fox stated the claim was sent to the County Clerk's Office during the latter part of June. He said it was found that Mr. Ladd had sent a previous notice of tort claim for the same incident which occurred in October, 2006 and that the County Board considered and denied the claim in March, 2007. Recommendation was that the County Board not take action on the claim.

No action taken as recommended by the County Attorney's Office.

P. Request to amend the starting date for Angela Owens, bailiff for the Honorable Reggie L. Ryder, from September 4, 2007 to September 3, 2007.

MOTION: Schorr moved and Hudkins seconded approval of a request to amend the starting date for Angela Owens, bailiff for the Honorable Reggie L. Ryder, from September 4, 2007 to September 3, 2007. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

Q. Request from the Lancaster County Personnel Policy Board to create a System Programmer classification with a proposed pay grade of \$53,763.84 to \$68,866.72 (C21) and to also request that Personnel Rule 19.3 relating to sick leave be amended.

MOTION: Hudkins moved and Heier seconded approval of a request from the Lancaster County Personnel Policy Board to create a System Programmer classification with a proposed pay grade of \$53,763.84 to \$68,866.72 (C21) and to also request that Personnel Rule 19.3 relating to sick leave be amended. Stevens, Heier, Schorr, Hudkins 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 August, 2007.**
- 2. Records & Information Management's Monthly Report for August, 2007.**

B. Setting of a public hearing for Tuesday, September 25, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Special Permit No. 07033, requested by Greg Sanford, to allow mining and extraction of soil on approximately 159.39 acres, more or less, generally located on the east side of North 56th Street/Highway 77, between Branched Oak and Davey Roads, Lancaster County, Nebraska.

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

8) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 10:46 a.m.. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 11, 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,
Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 10:46 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 4, 2007.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Equalization meeting held on September 4, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 70 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

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

3) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting on 10:47 a.m.. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
County Clerk