

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 7, 2008
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
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Tom Fox, Deputy County Attorney

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 30, 2008.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 30, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 7, 2008.**

MOTION: Heier moved and Stevens seconded approval of all claims processed through October 7, 2008. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. Appointment of Travis Parker as the Deputy Director for the Lancaster County Community Mental Center, at an annual salary of \$81,500, effective October 9, 2008 - Dean Settle, Community Mental Health Center Director

Dean Settle, Community Mental Health Center Director, introduced Travis Park as the Deputy Director and gave an overview regarding his duties at the Mental Health Center.

Parker thanked the County Board and Settle and added that he is grateful for the opportunity to serve at the Community Mental Health Center.

MOTION: Stevens moved and Heier seconded approval of the appointment of Travis Parker as the Deputy Director for the Lancaster County Community Mental Center, at an annual salary of \$81,500, effective October 9, 2008. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. An application for an amusement license from Cornhusker Council Boy Scouts to hold a carnival beginning on Thursday, October 23, 2008 and ending on Sunday, October 26, 2008 at the Cornhusker Council Outdoor Education Center, located at 600 South 120th Street, Walton, Lancaster County, Nebraska. (See New Business Item 6A for an application for a Special Events Permit relating to the amusement license application.)

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

The oath was administered to Joy Citta, past President for the Cornhusker Council Boy Scouts and Committee Chair which organizes the haunted hike, and Mike Hale, Scout Executive.

Citta stated this will be the second year for the haunted hike/hayrack ride at the Outdoor Education Center. In addition, she stated, a carnival will be held behind the Center.

4) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Heier regarding attendance, Hale stated 1,300 people attended last year and they expect to have approximately 3,000 attend this year. He stated they have about 250 volunteers who assist them each night.

Stevens asked about the cost of the event.

Hale stated the fee for the scare trail is eight dollars and five dollars for the hayrack ride.

Citta added attendees could also do both the trail and the hayrack ride for ten dollars.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Stevens moved and Schorr seconded approval of an amusement license for the Cornhusker Council Boy Scouts to hold a carnival beginning on Thursday, October 23, 2008 and ending on Sunday, October 26, 2008 at the Cornhusker Council Outdoor Education Center, located at 600 South 120th Street, Walton, Lancaster County, Nebraska. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

NEW BUSINESS ITEM 6A WAS MOVED FORWARD ON THE AGENDA:

A. An application for a Special Events Permit from the Cornhusker Council Boy Scouts to operate the 2008 Haunted Woods Production, Curse of the Golden Idol, beginning on Thursday, October 23, 2008 and ending Sunday, October 26, 2008 at the Cornhusker Council Outdoor Education Center, located at 600 South 120th Street, Walton, Lancaster County, Nebraska.

MOTION: Hudkins moved and Stevens seconded approval of an application for a Special Events Permit from the Cornhusker Council Boy Scouts to operate the 2008 Haunted Woods Production, Curse of the Golden Idol, beginning on Thursday, October 23, 2008 and ending Sunday, October 26, 2008 at the Cornhusker Council Outdoor Education Center, located at 600 South 120th Street, Walton, Lancaster County, Nebraska. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

5) **OLD BUSINESS:**

- A. An amendment to an agreement between Susan L. Kirchmann, Attorney at Law, and Lancaster County, under County Contract No. C-06-0529, for legal representation to indigent parties in proceedings arising pursuant to Neb. Rev. Stat. § 43-247 (1), (2), (3)(a) and (b), (4), (5), (6) and (8) in the Separate Juvenile Court of Lancaster County. The amendment removes Peter Thew from providing representation under the agreement and authorizes Franklin E. Miner to assume the obligations of the original agreement as a joint venture with Ms. Kirchmann. (C-08-0504)**

MOTION: Stevens moved and Heier seconded approval of an amendment to an agreement between Susan L. Kirchmann, Attorney at Law, and Lancaster County, under County Contract No. C-06-0529, for legal representation to indigent parties in proceedings arising pursuant to Neb. Rev. Stat. § 43-247 (1), (2), (3)(a) and (b), (4), (5), (6) and (8) in the Separate Juvenile Court of Lancaster County. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

- B. A resolution in the matter of the vacation of a portion of West Simon Street abutting Lot 10, Block 1, and Lot 1, Block 2 of Werger's Addition to Martell, Lancaster County, Nebraska. (R-08-0082)**

Item was held until a response is received from the Village of Sprague.

6) **NEW BUSINESS:**

- A. An application for a Special Events Permit from the Cornhusker Council Boy Scouts to operate the 2008 Haunted Woods Production, Curse of the Golden Idol, beginning on Thursday, October 23, 2008 and ending Sunday, October 26, 2008 at the Cornhusker Council Outdoor Education Center, located at 600 South 120th Street, Walton, Lancaster County, Nebraska.**

Item moved forward on the agenda.

6) **NEW BUSINESS CONTINUED:**

B. An application for a Special Designated License from Ken's Liquor Inc. to provide liquor beverage service for a dinner/dance on Friday, October 24, 2008 from 6 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska.

MOTION: Stevens moved and Heier seconded approval of an application for a Special Designated License from Ken's Liquor Inc. to provide liquor beverage service for a dinner/dance on Friday, October 24, 2008 from 6 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

C. A resolution in the matter of continuing the public hearing regarding a request to vacate a portion of Southwest 86th Street between West Saltillo Road and West Bennet Road, and regarding the vacation or abandonment of a portion of West Saltillo Road between Southwest 84th Street and Southwest 86th Street. The resolution continues the public hearing to November 25, 2008 at 9:30 a.m. in the County Commissioners Hearing Room in the County-City Building, 555 South 10th Street, Lincoln, Nebraska. (R-08-0083)

MOTION: Stevens moved and Heier seconded approval of Resolution No. R-08-0083 in the matter of continuing the public hearing regarding a request to vacate a portion of Southwest 86th Street between West Saltillo Road and West Bennet Road, and regarding the vacation or abandonment of a portion of West Saltillo Road between Southwest 84th Street and Southwest 86th Street. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

D. A resolution in the matter of County Miscellaneous No. 08044, a text amendment to the Lancaster County Zoning Resolution, to amend various sections of Article 23 amending and increasing filing fees for zoning applications, as provided in Attachment A. (R-08-0084)

MOTION: Schorr moved and Heier seconded approval of Resolution No. R-08-0084 in the matter of County Miscellaneous No. 08044, a text amendment to the Lancaster County Zoning Resolution, to amend various sections of Article 23 amending and increasing filing fees for zoning applications, as provided in Attachment A. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- E. A resolution in the matter of County Miscellaneous No. 08010, a text amendment to the Lancaster County Subdivision Regulations, to amend various sections of Chapter 10 amending and increasing filing fees, as provided in Attachment A. (R-08-0085)**

MOTION: Stevens moved and Schorr seconded approval of Resolution No. R-08-0085 in the matter of County Miscellaneous No. 08010, a text amendment to the Lancaster County Subdivision Regulations, to amend various sections of Chapter 10 amending and increasing filing fees, as provided in Attachment A. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

- F. A resolution in the matter of imposing occupation taxes on retail liquor licenses. (R-08-0086)**

MOTION: Hudkins moved and Stevens seconded approval of Resolution No. R-08-0086 in the matter of imposing occupation taxes on retail liquor licenses. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

- G. A program resolution between the State of Nebraska, Department of Roads and the Lancaster County Engineering Department to replace County Bridge No. N-114, located on Southwest 91st Street between West Yankee Hill Road and West Denton Road, in the amount of \$74,360. (R-08-0087)**

MOTION: Hudkins moved and Stevens seconded approval of Resolution No. R-08-0087 between the State of Nebraska, Department of Roads and the Lancaster County Engineering Department to replace County Bridge No. N-114, located on Southwest 91st Street between West Yankee Hill Road and West Denton Road, in the amount of \$74,360. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

H. A grant contract with CenterPointe Inc. for the following programs: Adult Community Support, in the amount of \$42,600; Youth Residential, in the amount of \$33,000; Outpatient Treatment Services, in the amount of \$100,000; Adult Day Rehabilitation, in the amount of \$95,000; and Dual Disorder Residential, in the amount of \$87,000. The total amount of the grant is \$357,600. Term of the grant contract is July 1, 2008 to June 30, 2009. The contract will automatically renew for an additional 12-month period, in the amount of \$357,600, unless notification of termination is provided by the County prior to April 30, 2009. (C-08-0517)

Stevens commented that the contract with CenterPointe Inc., along with the following eight items, are Joint Budget Committee contracts.

In response to a question asked by Hudkins regarding the breakdown of County/City funding, Stevens stated approximately 75 percent is County and 25 percent City.

MOTION: Hudkins moved and Stevens seconded approval of a grant contract with CenterPointe Inc. for the following programs: Adult Community Support, in the amount of \$42,600; Youth Residential, in the amount of \$33,000; Outpatient Treatment Services, in the amount of \$100,000; Adult Day Rehabilitation, in the amount of \$95,000; and Dual Disorder Residential, in the amount of \$87,000. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

I. A grant contract with Cedars Youth Services Inc. to provide funding for the Teaching and Learning with Children (TLC) Housing Program, in the amount of \$100,000, and the Emergency Shelter Services Program, in the amount of \$200,000. Total amount of the grant is \$300,000 and the term of the grant contract is from July 1, 2008 to June 30, 2009. The grant contract will automatically renew for an additional 12-month period, in the amount of \$300,000, unless notification of termination is provided by the County prior to April 30, 2009. (C-08-0518)

MOTION: Schorr moved and Stevens seconded approval of a grant contract with Cedars Youth Services Inc. to provide funding for the Teaching and Learning with Children (TLC) Housing Program, in the amount of \$100,000, and the Emergency Shelter Services Program, in the amount of \$200,000. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

J. A grant contract with Family Service Association Inc. for the following programs: Welcome Baby, in the amount of \$30,000; Behavioral Health Services, in the amount of \$179,000; Community Learning Center Youth Program, in the amount of \$26,000. Total amount of the grant contract is \$235,000 and the term of the grant contract is July 1, 2008 through June 30, 2009. The contract will automatically renew for an additional 12-month period, in the amount of \$235,000, unless notification of termination is provided by the County prior to April 30, 2009. (C-08-0519)

MOTION: Stevens moved and Schorr seconded approval of a grant contract with Family Service Association Inc. for the following programs: Welcome Baby, in the amount of \$30,000; Behavioral Health Services, in the amount of \$179,000; Community Learning Center Youth Program, in the amount of \$26,000. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

K. A grant contract with Lincoln Action Program Inc. to provide funding for the following programs: Housing/Resource Counseling, in the amount of \$72,000; Homeless Voucher Program, in the amount of \$10,500; and the COLT (Coalition of Landlords and Tenants) Program, in the amount of \$30,000. Total amount of the grant contract is \$112,500 and term of the grant contract is July 1, 2008 through June 30, 2009. The contract will automatically renew for an additional 12-month period, in the amount of \$112,500, unless notification of termination is provided by the County prior to April 30, 2009. (C-08-0520)

MOTION: Hudkins moved and Stevens seconded approval of a grant contract with Lincoln Action Program Inc. to provide funding for the following programs: Housing/Resource Counseling, in the amount of \$72,000; Homeless Voucher Program, in the amount of \$10,500; and the COLT (Coalition of Landlords and Tenants) Program, in the amount of \$30,000. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

L. A grant contract with Good Neighbor Center to provide an emergency food and clothes center for low income families in the Lincoln-Lancaster County area, in the amount of \$60,000. Term of the grant contract is July 1, 2008 through June 30, 2009. The contract will automatically renew for an additional 12-month period, in the amount of \$60,000, unless notification of termination is provided by the County prior to April 30, 2009. (C-08-0521)

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

M. A grant contract with Cedars Youth Services to provide funds for the Intensive Diversion Program for juveniles, in the amount of \$35,000. The funds are Federal grant funds distributed through the U.S. Department of Justice. Term of the grant contract is July 1, 2008 through June 30, 2009. (C-08-0522)

MOTION: Stevens moved and Hudkins seconded approval of a grant contract with Cedars Youth Services to provide funds for the Intensive Diversion Program for juveniles, in the amount of \$35,000. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

N. A grant contract with Heartland Big Brothers/Big Sisters for the Youth Development Program, in the amount of \$33,000. Term of the grant contract is July 1, 2008 to June 30, 2009. The contract will automatically renew for an additional 12-month period, in the amount of \$33,000, unless notification of termination is provided by the County prior to April 30, 2009. (C-08-0523)

MOTION: Schorr moved and Stevens seconded approval of a grant contract with Heartland Big Brothers/Big Sisters for the Youth Development Program, in the amount of \$33,000. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

O. A grant contract with the Voices of Hope to provide funding for the Crisis Intervention Program, in the amount of \$22,500. Term of the grant contract is from July 1, 2008 to June 30, 2009. The contract will automatically renew for an additional 12-month period, in the amount of \$22,500, unless notification of termination is provided by the County prior to April 30, 2009. (C-08-0524)

6) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of a grant contract with the Voices of Hope to provide funding for the Crisis Intervention Program, in the amount of \$22,500. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

P. A grant contract with The HUB Inc. to provide funding for the Lincoln Education Outreach (LEO) Program, in the amount of \$20,000. Term of the grant contract is July 1, 2008 through June 30, 2009. The contract will automatically renew for an additional 12-month period, in the amount of \$20,000, unless notification of termination is provided by the County prior to April 30, 2009. (C-08-0525)

MOTION: Stevens moved and Schorr seconded approval of a grant contract with The HUB Inc. to provide funding for the Lincoln Education Outreach (LEO) Program, in the amount of \$20,000. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

Q. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Juvenile Accountability Block Grant (JABG) Program. The County will receive \$70,586, of which \$7,086 is the County's match share. Term of the grant award is July 1, 2008 to June 30, 2009. (C-08-0526)

MOTION: Heier moved and Hudkins seconded approval to accept a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Juvenile Accountability Block Grant (JABG) Program.

Tom Fox, Deputy County Attorney, indicated the amount should be \$70,856.

Both the maker of the motion and the seconder agreed to the amount of \$70,856.

ROLL CALL: Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

R. An amendment to an interlocal agreement between Lancaster County and the State of Nebraska, Administrative Office of the Courts, for administration of the Adult Drug Court for the District Court of Lancaster County found at County Contract No. C-08-0289. The amendment adds one Drug Technician to the County staff administering Adult Drug Court and raises the amount the Administrative Office of the Courts will pay the County to \$183,839. (C-08-0527)

MOTION: Hudkins moved and Stevens seconded approval of an amendment to an interlocal agreement between Lancaster County and the State of Nebraska, Administrative Office of the Courts, for administration of the Adult Drug Court for the District Court of Lancaster County found at County Contract No. C-08-0289. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

S. An agreement between Lancaster County and the City of Lincoln for the provision of medical services to the Youth Services Center through the Lincoln-Lancaster County Health Department for the period of July 1, 2008 to June 30, 2009. (C-08-0528)

MOTION: Heier moved and Hudkins seconded approval of an agreement between Lancaster County and the City of Lincoln for the provision of medical services to the Youth Services Center through the Lincoln-Lancaster County Health Department for the period of July 1, 2008 to June 30, 2009.

Stevens expressed concerns regarding the lack of an upper limit to the number of dollars involved and travel expenses not being addressed.

Fox stated travel expenses are not addressed in the agreement, however, it could be held for further discussion.

ROLL CALL: Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

T. An agreement between Marylou McGuire and Lancaster County for professional consulting services at Lancaster Manor. Term of the contract is from September 15, 2008 to September 14, 2009. The County will pay \$77.50 per hour for no more than 24 hours per week. (C-08-0529)

MOTION: Hudkins moved and Heier seconded approval of an agreement between Marylou McGuire and Lancaster County for professional consulting services at Lancaster Manor. Schorr, Hudkins, Heier and Workman voted aye. Stevens voted no. Motion carried.

Stevens referred to concerns he expressed on the previous item (New Business Item 6S) and stated those concerns were actually regarding this agreement. He stated with no upper limit it could be a sum up to \$100,000.

Fox stated the issue was addressed by limiting the work hours to 24 hours per week. He added that the contract does state that the contractor is responsible for all travel expenses.

U. An addendum to a contract between Lancaster County and Anacomp Inc. for the purchase of microfilming supplies on an as-needed basis found at County Contract No. C-07-0355. The addendum renews the contract for an additional term beginning August 15, 2008 and ending August 14, 2009, and reflects price increases as listed in Attachment A. (C-08-0530)

MOTION: Stevens moved and Heier seconded approval of an addendum to a contract between Lancaster County and Anacomp Inc. for the purchase of microfilming supplies on an as-needed basis found at County Contract No. C-07-0355. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

V. A Recreational Trails Program Project agreement between Lancaster County, the Lower Platte South Natural Resources District (NRD) and the Nebraska Game and Parks Commission for the purpose of preliminary engineering design costs for the motocross track located at Ethel Abbott Sports Complex. The total design cost of the project is \$152,306.25. The County and the NRD agree to cover 20 percent of the costs and will be reimbursed for 80 percent of the total cost up to \$121,845 by the Federal Highway Administration. (C-08-0531)

MOTION: Hudkins moved and Schorr seconded approval of a Recreational Trails Program Project agreement between Lancaster County, the Lower Platte South Natural Resources District (NRD) and the Nebraska Game and Parks Commission for the purpose of preliminary engineering design costs for the motocross track located at Ethel Abbott Sports Complex.

Stevens stated the County Board received a letter from Harley Kennedy, with the Lower Platte South NRD, indicating \$24,000 out of the \$50,000 allocated by the County had not been spent. He stated he thought it was the Board's intent to apply any remaining monies forward. Stevens added that the required sharing would be \$30,000 and asked where the other \$6,000 would be coming from since the Board hasn't allocated that.

Kerry Eagan, Chief Administrative Officer, stated originally the County was not going to put any monies into the project, however, they agreed to the \$50,000 in Keno funds to jump start the project since it wasn't going anywhere. He stated there are other provisions for in kind contributions which count towards the NRD and County match. Eagan stated the grants manager is now in place and will make sure full reimbursement is received. He reminded the Board that the County is also improving Arbor Road at approximately \$125,000.

Stevens commented that the preliminary engineering design will be completed by November 1st according to the agreement.

ROLL CALL: Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

W. Reappointment of Ray Stevens to the City of Lincoln Parks and Recreation Advisory Board to a three-year term, beginning April 28, 2008.

MOTION: Schorr moved and Hudkins seconded approval of the reappointment of Ray Stevens to the City of Lincoln Parks and Recreation Advisory Board to a three-year term, beginning April 28, 2008. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

X. An agreement between Roberts Dairy, the City of Lincoln and Lancaster County, using cooperative purchasing with the University of Nebraska-Lincoln (UNL), for dairy products for Lancaster Manor, Midtown Center and the Lincoln Area Agency on Aging. Pricing for dairy products will be pursuant to the UNL agreement. Term of the agreement is from August 1, 2008 to July 31, 2011. (C-08-0532)

MOTION: Hudkins moved and Stevens seconded approval of an agreement between Roberts Dairy, the City of Lincoln and Lancaster County, using cooperative purchasing with the University of Nebraska-Lincoln (UNL), for dairy products for Lancaster Manor, Midtown Center and the Lincoln Area Agency on Aging. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

Y. A change order supplemental agreement with Constructors Inc. for asphaltic concrete paving on South 82nd Street between Panama and Hickman Roads, in the amount of \$2,610; Project No 08-26. (C-08-0533)

MOTION: Schorr moved and Hudkins seconded approval of a change order supplemental agreement with Constructors Inc. for asphaltic concrete paving on South 82nd Street between Panama and Hickman Roads, in the amount of \$2,610; Project No 08-26. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- Z. An agreement between the Lancaster County Engineering Department and Speece-Lewis Engineers, in the maximum amount of \$39,600, for the design of a deficient bridge located on North 14th Street between Waverly and Mill Roads; Project BR-3405(5), Raymond Southeast. (C-08-0534)**

MOTION: Hudkins moved and Stevens seconded approval of an agreement between the Lancaster County Engineering Department and Speece-Lewis Engineers, in the maximum amount of \$39,600, for the design of a deficient bridge located on North 14th Street between Waverly and Mill Roads; Project BR-3405(5), Raymond Southeast. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- AA. An agreement between Lancaster County and Theresa Whisler for the preparation of transcripts relating to 2008 greenbelt disqualifications. Term of the agreement will be from the date of execution until the services are completed, but in no case later than December 1, 2008. (C-08-0535)**

MOTION: Heier moved and Hudkins seconded approval of an agreement between Lancaster County and Theresa Whisler for the preparation of transcripts relating to 2008 greenbelt disqualifications.

Eagan stated the County Assessor has indicated there may be additional dates which should be included in the agreement. He added there is also some question from the Assessor as to whether there is a need for the transcripts at the present time, however, it is his understanding that some of the work has already been completed. Eagan added that the Assessor was thinking they could wait for the decision from the Nebraska Supreme Court which could save some transcript costs.

Heier stated he wouldn't have a problem waiting for the decision, however, the Assessor did request the transcripts during a public meeting.

Dan Nolte, County Clerk, indicated the request had been made to the Clerk's Office. If the Assessor wants to withdraw the request, the Clerk should be notified.

6) **NEW BUSINESS CONTINUED:**

Eagan stated if work has been completed, the individual is entitled to be paid.

Hudkins stated he wished the Assessor was present to make his request directly. He added that the Assessor had requested the transcripts at least twice at a public meeting.

Schorr asked Eagan if it was his recommendation to hold the agreement.

Eagan responded he wasn't giving them a recommendation; he was giving the County Board information which was supplied to him.

Schorr inquired about the percentage of transcripts completed.

Cori Beattie, Deputy County Clerk, indicated approximately 50 percent.

Workman stated he feels the Assessor should make a formal request that he no longer wants the transcripts.

Eagan noted that the additional dates which were not included in the agreement were September 9, 2008 and September 16, 2008.

Beattie stated the reason the September 9th and September 16th dates were not included in the agreement was because these hearings were scheduled during a regular Board of Equalization meeting and could be handled internally. She added there were approximately a total of twelve hearings held on those dates.

Fox stated the individual preparing the transcripts would have to be paid for work completed, however, they could request that work be ceased.

County Board consensus was to hold the item until the County Assessor could appear.

6) **NEW BUSINESS CONTINUED:**

AB. Liability insurance coverage with National Legal Aid and Defender Association (NLADA) Service Corporation for the Lancaster County Public Defender's Office, in the amount of \$7,886.71. The policy period begins on November 1, 2008 and ends on November 1, 2009.

MOTION: Stevens moved and Heier seconded approval of liability insurance coverage with National Legal Aid and Defender Association (NLADA) Service Corporation for the Lancaster County Public Defender's Office, in the amount of \$7,886.71. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

RETURNING TO NEW BUSINESS ITEM 6AA:

An agreement between Lancaster County and Theresa Whisler for the preparation of transcripts relating to 2008 greenbelt disqualifications. Term of the agreement will be from the date of execution until the services are completed, but in no case later than December 1, 2008. (C-08-0535)

Norm Agena, County Assessor/Register of Deeds, indicated he did state he wanted written transcripts at two meetings. He stated at the present time he is waiting on the Nebraska Supreme Court's decision. Agena stated if the Supreme Court rules in favor of the Board of Equalization, he would withdraw the appeals. If they rule in favor of the County Assessor, it would be the decision of the County Board of Equalization as to whether they want to appeal to the Tax Equalization and Review Commission (TERC).

Schorr asked when the Supreme Court would make their decision.

Agena stated he hoped by the end of the year.

Heier stated that the County Board agreed to hire Theresa Whisler at the previous Staff Meeting.

Discussion followed regarding how the County Board should proceed.

Both the maker of the motion and the seconder withdrew the motion to approve the agreement.

County Board consensus was to notify Ms. Whisler to cease in the preparation of transcripts and to hold the agreement for one week to allow changes to be made.

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 September, 2008.**
2. **Clerk of the District Court's Monthly Report for September, 2008.**

B. Setting of a public hearing for Tuesday, October 21, 2008 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Change of Zone No. 08042, requested by the Director of Planning, to amend the County Zoning Resolution to change the provisions for "wind energy conversion systems" (WECS), also known as wind turbines and windmills, as a conditional use in the AG (Agriculture) and AGR (Agricultural Residential) districts; as a permitted use in the R (Residential) and B (Business) districts; as a special permitted use over the district height in the above districts; as a special permit in the I (Industrial) districts; and to adjust the definition language.

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

8) **ADJOURNMENT:**

MOTION: Stevens moved and Schorr seconded adjournment of the Board of Commissioners meeting at 10:24 a.m.. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 7, 2008
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: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Tom Fox, Deputy County Attorney
Scott Gaines, Deputy County Assessor/Register of Deeds

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:24 a.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 30, 2008.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on September 30, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 26 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

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

3) **APPEAL FILED ON LATE FILING PENALTY ON PERSONAL PROPERTY:**

EA Engineering, Science and Technology, Inc. (2008 Tax Year)
Dry Clean City (2007 and 2008 Tax Years)

Scott Gaines, Deputy County Assessor/Register of Deeds, explained there is no authority within the statute to waive a penalty, unless it was incorrectly calculated or wrongly imposed. Recommendation was to deny both appeals.

Tim Cao, co-owner of Dry Clean City, stated they are new business owners and had no knowledge that they must pay personal property tax. He requested that the penalty be waived or reduced.

Brief discussion followed regarding the notification process to businesses regarding the payment of personal property tax.

MOTION: Heier moved and Schorr seconded to accept the recommendation of the Deputy County Assessor/Register of Deeds and deny the appeal filed on late filing penalty on 2008 personal property for EA Engineering, Science and Technology, Inc. and Dry Clean City. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES FOR TAX YEAR 2007:**

Cynthia S. Mara

MOTION: Stevens moved and Hudkins seconded to send notice of assessed valuation change for property taxation purposes to Cynthia S. Mara for 2007. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:35 a.m.. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
County Clerk