

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 25, 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, November 18, 2008.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting held on November 18, 2008. Hudkins, Stevens, Schorr and Workman voted aye. Heier abstained from voting. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, November 25, 2008.**

MOTION: Heier moved and Stevens seconded approval of all claims processed through November 25, 2008. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

The Chair requested New Business Item 6I be moved forward on the agenda followed by the remaining New Business items.

6) **NEW BUSINESS:**

I. A resolution in the matter of designating locations for trials of Lancaster County District Court cases and transaction of related court business. (R-08-0100)

MOTION: Stevens moved and Schorr seconded approval of Resolution No. R-08-0100 in the matter of designating locations for trials of Lancaster County District Court cases and transaction of related court business. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

A. A grant contract with the Human Services Federation supporting the Creating Assets, Savings and Hope project (CASH), in the amount of \$10,000. Term of the grant contract is July 1, 2008 to June 30, 2009. The contract will automatically renew for an additional one-year term unless the County provides notice that it does not intend to renew the contract by April 30, 2009. (C-08-0630)

MOTION: Schorr moved and Stevens seconded approval of a grant contract with the Human Services Federation supporting the Creating Assets, Savings and Hope project (CASH), in the amount of \$10,000.

Heier asked if the grant contract was a duplication of services provided by the Federal government.

Schorr explained that this is the third year of the earned income tax credit. She stated low-income wage earners are provided assistance in filling out their income tax to obtain a refund from the Federal government. Schorr added there is an educational component as well that teaches them about savings and checking accounts.

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

6) **NEW BUSINESS CONTINUED:**

B. An interlocal agreement between Lancaster County, the City of Lincoln, and the United Way of Lincoln/Lancaster County to jointly provide funding for the oversight and administration of the Community Services Initiative (CSI) Project. The County and the City of Lincoln will each contribute \$45,000, and United Way will contribute \$40,000, for a total contract fee of \$130,000. Term of the agreement is July 1, 2008 to June 30, 2009. (C-08-0631)

MOTION: Stevens moved and Schorr seconded approval of an interlocal agreement between Lancaster County, the City of Lincoln, and the United Way of Lincoln/Lancaster County to jointly provide funding for the oversight and administration of the Community Services Initiative (CSI) Project.

In response to a question asked by Hudkins, Stevens stated the agreement is a continuation of what has been approved over the past three or four years.

Hudkins suggested that future agreements be an even three-way split.

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

C. An amendment to the contract with Nebraska Machinery, under County Contract No. C-06-0611, for equipment and accessory rental for Lancaster County and the City of Lincoln, at rates as specified in the contract. (C-08-0632)

MOTION: Stevens moved and Heier seconded approval of an amendment to the contract with Nebraska Machinery, under County Contract No. C-06-0611, for equipment and accessory rental for Lancaster County and the City of Lincoln, at rates as specified in the contract. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

D. An amendment to the 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 one-year period between November 1, 2008 and October 31, 2009. (C-08-0633)

MOTION: Hudkins moved and Heier seconded approval of an amendment to the 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. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

E. An interlocal agreement for cooperative public safety services among the counties of Cass, Gage, Fillmore, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Saline, Seward, Thayer and York, and participating cities and villages within those counties. The agreement establishes a regional interjurisdictional emergency management organization, known as the Southeast Region Planning, Exercising and Training Group, and outlines the duties of the counties in the Southeast Region. The purpose of the agreement is to ensure regional emergency management coordination, planning, exercise, training interoperable communications, grant fund management and dispersion, and mutual aid arrangements between the parties of the agreement. The agreement also appoints Lancaster County as the grant administrator for the Southeast region, to accept and administer Federal Homeland Security grant funds on behalf of the Southeast Region. Term of the agreement is from the date of execution to December 31, 2013. (C-08-0634)

MOTION: Stevens moved and Heier seconded approval of an interlocal agreement for cooperative public safety services among the counties of Cass, Gage, Fillmore, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Saline, Seward, Thayer and York, and participating cities and villages within those counties. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

F. An Order for Services between the U.S. Marshall's Service and Lancaster County on behalf of the Lancaster County Sheriff's Office. The Sheriff will provide law enforcement services in support of the District Fugitive Task Force. The County will be reimbursed for up to \$5,000 of overtime hours incurred in providing such services. (C-08-0635)

MOTION: Hudkins moved and Stevens seconded approval of an Order for Services between the U.S. Marshall's Service and Lancaster County on behalf of the Lancaster County Sheriff's Office.

Deputy Sheriff Gary Juilfs gave a brief overview stating they supply one full-time deputy to search for fugitives on warrants. In return, the U.S. Marshall's Service supplies manpower and equipment to assist the Sheriff's Office.

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

G. An interlocal agreement with Gage County for the safekeeping, care and sustenance of juveniles while at the Youth Services Center. Lancaster County will be reimbursed \$236 per youth, per day. The agreement is effective upon execution and has a 30-day termination provision. (C-08-0636)

MOTION: Hudkins moved and Heier seconded approval of an interlocal agreement with Gage County for the safekeeping, care and sustenance of juveniles while at the Youth Services Center. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

H. A Federal Annual Certification Report for the Lancaster County Attorney's Office regarding equitable sharing activity of drug forfeiture funds for the fiscal year ending June 30, 2008.

MOTION: Heier moved and Stevens seconded approval of a Federal Annual Certification Report for the Lancaster County Attorney's Office regarding equitable sharing activity of drug forfeiture funds for the fiscal year ending June 30, 2008.

6) **NEW BUSINESS CONTINUED:**

J. A resolution concurring with the State of Nebraska, Department of Roads to award a bid to Christensen Brothers, Inc., in the amount of \$653,705.60, regarding Project BR-3270(4), Hickman Southeast, County Structure No. X-117 on Panama Road between South 68th and South 82nd Streets. The County's share is \$107,861.42. (R-08-0101)

MOTION: Schorr moved and Stevens seconded approval of Resolution No. R-08-0101 concurring with the State of Nebraska, Department of Roads to award a bid to Christensen Brothers, Inc., in the amount of \$653,705.60, regarding Project BR-3270(4), Hickman Southeast, County Structure No. X-117 on Panama Road between South 68th and South 82nd Streets. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

K. Appointment of Gwen Thorpe as the Interim Lancaster Manor Administrator with an annual salary of \$99,959.52, effective November 13, 2008.

MOTION: Stevens moved and Schorr seconded approval of the appointment of Gwen Thorpe as the Interim Lancaster Manor Administrator with an annual salary of \$99,959.52, effective November 13, 2008. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. Annual report for Southeast Community College - Jack Huck, President

Jack Huck, President of Southeast Community college, appeared and presented his annual report to the County Board.

Huck reported on graduate information, tuition and fees, enrollment, expenditures and revenues as featured in the *Annual Report to the Residents of Southeast Nebraska* (Exhibit 1).

Huck also reported on graduate employment locations and placement statistics as contained in the *2007 Placement Report* (Exhibit 2).

3) **SPECIAL PRESENTATIONS CONTINUED:**

B. Appointment of Mark Koller as the Lincoln-Lancaster County Personnel Director, effective December 11, 2008.

The Chair introduced and welcomed Mark Koller as the new Lincoln-Lancaster County Personnel Director.

Koller stated he previously worked for the U.S. Treasury Department as a bank examiner and then in the private sector as a banker. He stated through those processes he worked with and supervised employees and observed human resources functions. Koller stated he feels he brings an understanding of human resources and the value that personnel have as far as investments and business.

MOTION: Stevens moved and Schorr seconded approval of the appointment of Mark Koller as the Lincoln-Lancaster County Personnel Director, effective December 11, 2008. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Continuation of a 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, such portions running from the southwest corner of Section 2, Township 8 North, Range 5 East to the northwest corner of said Section 2 and from the southwest corner of Section 35, Township 9 North, Range 5 East to the northwest corner of said Section 2, Lancaster County, Nebraska.

The Chair reconvened the public hearing.

Heier asked Mike Thew, Chief Deputy County Attorney, to explain available options regarding the vacation request.

4) PUBLIC HEARINGS CONTINUED:

In response to a question asked by Heier regarding gates across a road, Mike Thew, Chief Deputy County Attorney, stated there is a statute that allows the Board to authorize landowners, under certain circumstances, to fence across a county road. The same statute also allows the county to install a gate and any such fence across a county road, however, the statute doesn't authorize the installation of locks on the gates. Thew further stated that the statute indicates that any member of the traveling public who uses the gate is legally obligated to close the gate behind them.

The oath was administered to Don Thomas, County Engineer.

Thomas reiterated his recommendation to leave the road open for local traffic and future use. He explained that once a road is vacated it is no longer a county road. He asked who would maintain it because it since it remain county property.

Thew stated the statute pertaining to road vacations does give the Board the authority to place conditions on the vacation.

Marian Langan, Director of Spring Creek Prairie Audubon Center, appeared and presented an amendment to the original request asking that only one road be closed temporarily, that they be allowed to conduct prescribed burns and remove trees and invasive plant species from the right-of-way (Exhibit 3).

The Clerk administered the oath to the following individuals appearing in favor of the request:

- * Paul Johnsgard, 7341 Holdrege Street, Lincoln, Nebraska, said approving the vacation would help create a larger home, free of disturbances, for the prairie chickens.
- * Pat Stear, 2812 T Street, Lincoln, Nebraska, stated she owns property near the area which is virgin prairie and would like to see closure of the road.
- * Tyler Thody, 12101 Southwest 72 Street, Martell, Nebraska, stated he supports the closure due to the "mudders" and individuals shooting firearms.
- * Steve Bartling, 24035 South 110 Street, Hickman, Nebraska, stated he supports the closure.

The Clerk administered the oath to the following individuals who appeared in opposition and who expressed concerns regarding access problems for farmers, emergency services such as medical and fire and law enforcement, grass fires, decrease in property values and maintenance of right-of-ways:

- * Ralph Phillips, farm manager for Jeanné Boman
- * Rod Holman, representing the Lancaster County Farm Bureau

4) **PUBLIC HEARINGS CONTINUED:**

In closing, Langan addressed concerns regarding access by stating individuals can use 72nd Street. She also stated they have worked with both the Sieck's and Sittler's and they will continue to be allowed to use the road for moving cattle. Langan addressed valuation of property by stating there are studies throughout the United States showing that property abutting or near a natural area have increased values. She stated they do work with the fire departments and have trained crews when they conduct prescribed burns.

Workman asked Langan if they would be receptive to paying for the gates if the road were temporarily closed.

Langan stated yes, they would figure out a way.

Schorr asked how many school children visit the prairie during the year.

Langan stated they had 3,500 individuals participate in organized programs, including adults. She added they have a new partnership with Lincoln Public Schools where half of all the fourth graders were brought to the prairie for all day programs. Langan stated during the months of September and October they had over 1,300 fourth graders.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

Discussion followed regarding vacating the road with the following conditions: installation of road closure signs, fencing and locked gates, ownership of the road to be retained by the County, adjacent property owners to be responsible for protecting the road bed and holding the County harmless.

MOTION: Stevens moved and Schorr seconded to direct the County Attorney's Office to draft a resolution to vacate a portion of Southwest 86th Street between West Saltillo Road and West Bennet Road with the following conditions: a) Lancaster County to retain ownership of the road and retain the right to reopen the road if public necessity requires, b) require the adjacent landowners to provide fencing and locked gates, c) require the adjacent property owners to protect the road bed and d) hold the County harmless.

4) **PUBLIC HEARINGS CONTINUED:**

AMENDMENT TO THE MOTION: Hudkins moved and Heier seconded to amend the motion to include a provision relating to the installation of signs/signage, if required, by county or state law. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

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

5) **OLD BUSINESS:**

A. A grant contract with the Y.W.C.A. of Lincoln to provide funding for the following programs: Respite Network Program, in the amount of \$20,000 and the Survival Skills Program, in the amount of \$35,500. The total amount of the grant contract is \$55,500 and the term of the grant contract is July 1, 2008 through June 30, 2009. (C-08-0500)

MOTION: Schorr moved and Stevens seconded approval of a grant contract with the Y.W.C.A. of Lincoln to provide funding for the following programs: Respite Network Program, in the amount of \$20,000 and the Survival Skills Program, in the amount of \$35,500. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

B. Request from the Lancaster County Personnel Policy Board for the following:

- * **Creation of a Board of Equalization Specialist classification at a proposed pay grade of \$41,728.96 to \$53,453.92.**
- * **Change the pay grade for the Mental Health Managed Care Coordinator classification from a pay range of \$34,966.88 to \$44,788.64 to \$37,529.44 to \$48,070.88.**
- * **Amend Rule 19.3 of the Personnel Rules - Sick Leave**

MOTION: Hudkins moved and Stevens seconded approval of the creation of a Board of Equalization Specialist classification, to change the pay grade for the Mental Health Managed Care Coordinator classification, and to amend Rule 19.3 of the Personnel Rules as requested by the Lancaster County Personnel Policy Board. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

5) **OLD BUSINESS CONTINUED:**

- C. A subdivision agreement between Lancaster County and Pendel, Inc. regarding County Final Plat No. 08041, Parkland Estates Addition, on property generally located at Northwest 118th Street and West Fletcher Avenue. (C-08-0614)**

Item held at the request of the applicant.

6) **NEW BUSINESS:**

- A. A grant contract with the Human Services Federation supporting the Creating Assets, Savings and Hope project (CASH), in the amount of \$10,000. Term of the grant contract is July 1, 2008 to June 30, 2009. The contract will automatically renew for an additional one-year term unless the County provides notice that it does not intend to renew the contract by April 30, 2009. (C-08-0630)**

Item moved forward.

- B. An interlocal agreement between Lancaster County, the City of Lincoln, and the United Way of Lincoln/Lancaster County to jointly provide funding for the oversight and administration of the Community Services Initiative (CSI) Project. The County and the City of Lincoln will each contribute \$45,000, and United Way will contribute \$40,000, for a total contract fee of \$130,000. Term of the agreement is July 1, 2008 to June 30, 2009. (C-08-0631)**

Item moved forward.

- C. An amendment to the contract with Nebraska Machinery, under County Contract No. C-06-0611, for equipment and accessory rental for Lancaster County and the City of Lincoln, at rates as specified in the contract. (C-08-0632)**

Item moved forward.

6) **NEW BUSINESS CONTINUED:**

D. An amendment to the 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 one-year period between November 1, 2008 and October 31, 2009. (C-08-0633)

Item moved forward.

E. An interlocal agreement for cooperative public safety services among the counties of Cass, Gage, Fillmore, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Saline, Seward, Thayer and York, and participating cities and villages within those counties. The agreement establishes a regional interjurisdictional emergency management organization, known as the Southeast Region Planning, Exercising and Training Group, and outlines the duties of the counties in the Southeast Region. The purpose of the agreement is to ensure regional emergency management coordination, planning, exercise, training interoperable communications, grant fund management and dispersion, and mutual aid arrangements between the parties of the agreement. The agreement also appoints Lancaster County as the grant administrator for the Southeast region, to accept and administer Federal Homeland Security grant funds on behalf of the Southeast Region. Term of the agreement is from the date of execution to December 31, 2013. (C-08-0634)

Item moved forward.

F. An Order for Services between the U.S. Marshall's Service and Lancaster County on behalf of the Lancaster County Sheriff's Office. The Sheriff will provide law enforcement services in support of the District Fugitive Task Force. The County will be reimbursed for up to \$5,000 of overtime hours incurred in providing such services. (C-08-0635)

Item moved forward.

6) **NEW BUSINESS CONTINUED:**

- G. An interlocal agreement with Gage County for the safekeeping, care and sustenance of juveniles while at the Youth Services Center. Lancaster County will be reimbursed \$236 per youth, per day. The agreement is effective upon execution and has a 30-day termination provision. (C-08-0636)**

Item moved forward.

- H. A Federal Annual Certification Report for the Lancaster County Attorney's Office regarding equitable sharing activity of drug forfeiture funds for the fiscal year ending June 30, 2008.**

Item moved forward.

- I. A resolution in the matter of designating locations for trials of Lancaster County District Court cases and transaction of related court business. (R-08-0100)**

Item moved forward.

- J. A resolution concurring with the State of Nebraska, Department of Roads to award a bid to Christensen Brothers, Inc., in the amount of \$653,705.60, regarding Project BR-3270(4), Hickman Southeast, County Structure No. X-117 on Panama Road between South 68th and South 82nd Streets. The County's share is \$107,861.42. (R-08-0101)**

Item moved forward.

- K. Appointment of Gwen Thorpe as the Interim Lancaster Manor Administrator with an annual salary of \$99,959.52, effective November 13, 2008.**

Item moved forward.

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. Sheriff's Report of Fees for October, 2008.
2. County Engineer's Quarterly Report for July, August and September, 2008.

B. Setting of a public hearing for Tuesday, December 9, 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 Board of Zoning Appeals, Appeal No. 08003, requested by Nicholas Zobel, for a variance of the side yard setback to allow construction of a building, on property located at 13000 North 14th Street, Lancaster County, Nebraska.

C. Setting of a public hearing for Tuesday, December 9, 2008 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the correction of a clerical error found in County Special Permit No. 07033. County Special Permit No. 07033 allows the permittee the authority to do mining and extraction of soil on property generally located on the east side of North 56th Street/Highway 77, between Branched Oak Road and Davey Road in Lancaster County, Nebraska. The correction would delete condition 2.1.3 in its entirety from Special Permit No. 07033. The language of condition 2.1.3, that is proposed to be deleted states "Access to Branched Oak Road shall meet the conditions of the County Engineer's August 8, 2007 letter and shall have approval of the County Engineer."

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

8) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the Board of Commissioners meeting at 11:38 a.m.. Hudkins, Stevens, Schorr, Heier and Workman. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 25, 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 11:38 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 18, 2008.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on November 18, 2008. Hudkins, Stevens, Schorr and Workman voted aye. Heier abstained from voting. Motion carried.

- 2) **RECONSIDERATION OF TAX EXEMPT STATUS:**

Reconsideration of tax exempt status for property of the Nebraska School Activities Association located at 8230 Beechwood Drive (Parcel I.D. No. 17-27-217-005-000)

MOTION: Schorr moved and Stevens seconded to reconsider the tax exempt status for property of the Nebraska School Activities Association located at 8240 Beechwood Drive on Tuesday, December 2, 2008 and to send notice of the reconsideration to the taxpayer. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:**

Nebraska School Activities Association

MOTION: Stevens moved and Schorr seconded to send notice of assessed valuation change for property taxation purposes to Nebraska School Activities Association. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 11:42 a.m.. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk