

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 9, 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

Commissioners Absent: Ray Stevens

Others Present: Kerry Eagan, 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, December 2, 2008.**

MOTION: Heier moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting held on December 2, 2008. Hudkins, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, December 9, 2008.**

MOTION: Hudkins moved and Heier seconded approval of all claims processed through December 9, 2008. Hudkins, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

3) **PUBLIC HEARINGS:**

A. 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. (See New Business Item 5A for correlating documentation.)

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

Krista Zobel, 13000 North 14th Street, Raymond, Nebraska, appeared and explained they would like to erect a shed for storage of equipment approximately five feet from the fence line and added they do have a letter from their neighbor granting them permission (Exhibit 1). Mrs. Zobel also stated she has a letter from Capital City Horse and Pony Club indicating the building will not interfere with their operation (Exhibit 2).

Also submitted into the record was the following information:

- * Aerial map of property (Exhibit 3)
- * Picture of proposed shed (Exhibit 4)
- * Pictures of equipment to be stored (Exhibits 5 and 6)
- * Pictures of fence line and property (Exhibits 7 and 8)

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

A. A resolution approving County Board of Zoning Appeals, Appeal No. 08003, requested by Nicholas Zobel, for a variance of Section 4.017(d) of the Lancaster County Zoning Resolution for property located at 13000 North 14th Street, Raymond, Lancaster County, Nebraska. (R-08-0110)

MOTION: Hudkins moved and Heier seconded approval of Resolution No. R-08-0110 approving County Board of Zoning Appeals, Appeal No. 08003, requested by Nicholas Zobel, for a variance of Section 4.017(d) of the Lancaster County Zoning Resolution for property located at 13000 North 14th Street, Raymond, Lancaster County, Nebraska. Heier, Hudkins and Workman voted aye. Schorr was absent from voting. Motion carried.

3) **PUBLIC HEARINGS CONTINUED:**

B. 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." (See New Business Item 5B for correlating documentation.)

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

The oath was administered to Tom Fox, Deputy County Attorney, who explained the item was being brought back to the County Board to correct a clerical error made in a resolution relating to County Special Permit No. 07033. Fox requested the following DVD's regarding the item be made a part of the record:

- * Public hearing held on Tuesday, September 25, 2007 on County Special Permit No. 7033 (Exhibit 9)
- * Tuesday, October 2, 2007: Old Business Item 3 - Resolution No. R-07-0089 in the matter of County Special Permit No. 7033 (Exhibit 10)
- * Tuesday, October 9, 2007: Old Business Item 5A - Resolution No. R-07-0089 in the matter of County Special Permit No. 7033 (Exhibit 11)

Fox stated the item to be discussed is specifically related to 2.1.3 of the Special Permit and relates to access of Branched Oak Road. He said after review of the DVD's it appears that the County Board's intent was to only have access limited to Highway 77. Fox further stated that the applicant initially objected to site restrictions on Highway 77, but indicated they wouldn't pursue the issue. He referred to New Business Item 5B (Resolution No. R-08-0104) pointing out that Item 2.1.3 is struck from the resolution and that it also rescinds the previous resolution (R-07-0089).

The oath was administered to Thomas Keep, 8601 Davey Road, Lincoln, Nebraska.

Keep testified that they appreciate and concur with the correction to the resolution.

3) **PUBLIC HEARINGS CONTINUED:**

The oath was administered to Mike DeKalb, Planning Department.

DeKalb concurred with comments made by Fox noting that the revised site plan provided by the applicant does reflect one access point.

The oath was administered to Karen Kurbis, 17500 North 84th Street, Lincoln, Nebraska.

Kurbis reported that overall the mining and extraction are going pretty well. She stated she would like to see a little more compliance with regard to cover crop and added they have a lot of silt fences which go down and don't get erected unless they call the contractor. In conclusion, Kurbis stated she does appreciate the correction to the error.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

B. A resolution in the matter of County Special Permit No. 07033, requested by Mark Hunzeker on behalf of Greg Sanford, for authority to do 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 Road and Davey Road in Lancaster County, Nebraska. The resolution rescinds Resolution No. R-07-0089. (R-08-0104)

MOTION: Heier moved and Hudkins seconded approval of Resolution No. R-08-0104 in the matter of County Special Permit No. 07033, requested by Mark Hunzeker on behalf of Greg Sanford, for authority to do 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 Road and Davey Road in Lancaster County, Nebraska. Hudkins, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

4) **OLD BUSINESS:**

- A. 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)**

MOTION: Heier moved and Hudkins seconded approval of 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.

Hudkins clarified rumors during his recent campaign for Lancaster County Commissioner that equipment was moved from the subdivision onto his residential driveway and that blacktop was laid for him. Hudkins stated the rumors were erroneous and added that a coating was sprayed on, however, the only equipment used was a five-gallon bucket and a broom.

ROLL CALL: Heier, Hudkins and Workman voted aye. Schorr was absent from voting. Motion carried.

5) **NEW BUSINESS:**

- A. A resolution approving County Board of Zoning Appeals, Appeal No. 08003, requested by Nicholas Zobel, for a variance of Section 4.017(d) of the Lancaster County Zoning Resolution for property located at 13000 North 14th Street, Raymond, Lancaster County, Nebraska. (R-08-0110)**

Item was moved forward on the agenda.

- B. A resolution in the matter of County Special Permit No. 07033, requested by Mark Hunzeker on behalf of Greg Sanford, for authority to do 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 Road and Davey Road in Lancaster County, Nebraska. The resolution rescinds Resolution No. R-07-0089. (R-08-0104)**

Item moved forward on the agenda.

5) **NEW BUSINESS CONTINUED:**

C. A resolution approving the issuance of the Lancaster County Correctional Facility Joint Public Agency Building Bonds, in an amount not to exceed \$65,000,000; and related matters. (R-08-0105)

Scott Keene with Ameritas and Lauren Wismer with Gilmore and Bell appeared.

Wismer stated the purpose of the resolution is to put the County on record as approving the issuance of bonds by the agency, in an amount not to exceed to \$65,000,000.

Keene gave a brief report regarding the current market situation indicating that it does continue to deteriorate. His recommendation was to delay financing until January, 2009 stating that if the market recovers they would come back to the County Board in January.

MOTION: Hudkins moved and Heier seconded approval of Resolution No. R-08-0105 approving the issuance of the Lancaster County Correctional Facility Joint Public Agency Building Bonds, in an amount not to exceed \$65,000,000; and related matters. Hudkins, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

D. A resolution in the matter of Comprehensive Plan Conformance No. 08024: Adopting the One and Six-Year Road and Bridge Construction Program for Lancaster County, Fiscal Years 2009 and 2010-2014. (R-08-0106)

MOTION: Heier moved and Hudkins seconded approval of Resolution No. R-08-0106 in the matter of Comprehensive Plan Conformance No. 08024: Adopting the One and Six-Year Road and Bridge Construction Program for Lancaster County, Fiscal Years 2009 and 2010-2014.

Discussion took place regarding dirt roads within the County. Don Thomas, County Engineer, said they have been working on them, however, the more complicated roads, such as Havelock Avenue, require a large taking of ground and are more expensive.

(Commissioner Schorr entered the Hearing Room at 10:10 a.m..)

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

5) **NEW BUSINESS CONTINUED:**

E. A resolution in the matter of County Change of Zone No. 08038 from Agriculture (AG) to Agriculture Residential (AGR) requested by Jerry and Karen Fletcher on property, approximately 80-acres more or less, generally located to the north of the interchange of South 162nd Street and Highway 2, Lancaster County, Nebraska. (R-08-0107)

MOTION: Schorr moved and Hudkins seconded approval of Resolution No. R-08-0107 in the matter of County Change of Zone No. 08038 from Agriculture (AG) to Agriculture Residential (AGR) requested by Jerry and Karen Fletcher on property, approximately 80-acres more or less, generally located to the north of the interchange of South 162nd Street and Highway 2, Lancaster County, Nebraska. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

F. A resolution in the matter of instituting eminent domain proceedings against JSM Farms, L.L.C., Project No. C55-F-406(1), Tract No. 6 (Alvo Road between North 1st and North 14th Streets) and replacing and rescinding County Resolution No. R-08-0098. (R-08-0108)

Fox stated New Business Items 5F and 5G correct errors on exhibits contained in previous resolutions. He said both resolutions would rescind and replace other resolutions.

MOTION: Heier moved and Schorr seconded approval of Resolution No. R-08-0108 in the matter of instituting eminent domain proceedings against JSM Farms, L.L.C., Project No. C55-F-406(1), Tract No. 6 (Alvo Road between North 1st and North 14th Streets) and replacing and rescinding County Resolution No. R-08-0098.

Hudkins stated he would be voting against Items 5F and 5G because he feels both property owners are being taken advantage of and should be paid at the same rate as the Lincoln Public School District.

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

5) **NEW BUSINESS CONTINUED:**

G. A resolution in the matter of instituting eminent domain proceedings against Jon C. and Sharon S. Mumgaard, Project No. C55-F-406(1), Tract No. 7 (Alvo Road between North 1st and North 14th Streets) and replacing and rescinding County Resolution No. R-08-0099. (R-08-0109)

MOTION: Heier moved and Schorr seconded approval of Resolution No. R-08-0109 in the matter of instituting eminent domain proceedings against Jon C. and Sharon S. Mumgaard, Project No. C55-F-406(1), Tract No. 7 (Alvo Road between North 1st and North 14th Streets) and replacing and rescinding County Resolution No. R-08-0099. Schorr, Heier and Workman voted aye. Hudkins voted no. Motion carried.

H. A resolution in the matter of relaxing the design loading standards for Lancaster County Bridge No. S-26 State Structure No. C005503105; Project No. C55-S-401(6), Hickman Viaduct. (R-08-0111)

MOTION: Schorr moved and Heier seconded approval of Resolution No. R-08-0111 in the matter of relaxing the design loading standards for Lancaster County Bridge No. S-26 State Structure No. C005503105; Project No. C55-S-401(6), Hickman Viaduct. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

I. A resolution in the matter of relaxing the Bridge Design Loading Standards for Project No. BR-3340(7), Waverly Southeast. The bridge is located on Fletcher Avenue between North 162nd and North 176th Streets. (R-08-0112)

MOTION: Hudkins moved and Heier seconded approval of Resolution No. R-08-0112 in the matter of relaxing the Bridge Design Loading Standards for Project No. BR-3340(7), Waverly Southeast. The bridge is located on Fletcher Avenue between North 162nd and North 176th Streets. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

J. A resolution in the matter of authorizing the County Clerk to issue payments while the County Board is adjourned. (R-08-0113)

MOTION: Schorr moved and Hudkins seconded approval of Resolution No. R-08-0113 in the matter of authorizing the County Clerk to issue payments while the County Board is adjourned. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

K. Agreements with Lincoln Surgery Center - Endoscopy and UNMC Physician's to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreements set forth a reimbursement arrangement in which the County will provide payment for the medical care and Lincoln Surgery Center - Endoscopy and UNMC Physician's will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreements are effective upon execution of both parties and contain a 30-day termination provision. (C-08-0648) (C-08-0654)

MOTION: Schorr moved and Heier seconded approval of agreements with Lincoln Surgery Center - Endoscopy and UNMC Physician's to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. Hudkins, Schorr, Heier and Workman voted aye. Motion carried.

L. An interlocal agreement with York 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-08-0649)

MOTION: Hudkins moved and Schorr seconded approval of an interlocal agreement with York 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. Hudkins, Schorr, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

M. An agreement with Maxim Healthcare Services, Inc. d/b/a Maxim Staffing Solutions for healthcare staffing services at Lancaster Manor. Term of the agreement is for a one-year period and will renew automatically, unless terminated at any time by giving 30 days notice. The County will pay for services pursuant to the rates in Attachment "A", ranging from \$25 to \$50 per hour. Also attached to the agreement is a Business Association Agreement with Maxim to comply with Health Insurance Portability and Accountability Act (HIPAA) regulations. (C-08-0650)

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

N. An amendment to a contract with American Sanitary Inc. d/b/a AmSan Nebraska, found at County Contract No. C-08-0282, to provide and deliver custodial supplies and hard goods to various departments of the County and the City of Lincoln. The amendment renews the contract for an additional one-year term between October 13, 2008 and October 12, 2009. (C-08-0651)

MOTION: Schorr moved and Heier seconded approval of an amendment to a contract with American Sanitary Inc. d/b/a AmSan Nebraska, found at County Contract No. C-08-0282, to provide and deliver custodial supplies and hard goods to various departments of the County and the City of Lincoln. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

O. An amendment to the agreement between Lancaster County and L.A. Young, found at County Contract No. C-08-0371, for the service of a nurse practitioner at the Lancaster County Community Mental Health Center. The amendment changes the total hours worked per week from a maximum of 32 hours per week to a maximum of 36 hours per week. The rate for services is \$65 per hour. (C-08-0652)

MOTION: Heier moved and Schorr seconded approval of an amendment to the agreement between Lancaster County and L.A. Young, found at County Contract No. C-08-0371, for the service of a nurse practitioner at the Lancaster County Community Mental Health Center. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

P. Internet Crimes Against Children grant application from Lancaster County to the Nebraska State Patrol providing for payment of \$10,000 to Lancaster County. (C-08-0655)

MOTION: Hudkins moved and Heier seconded approval of Internet Crimes Against Children grant application from Lancaster County to the Nebraska State Patrol providing for payment of \$10,000 to Lancaster County. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

Q. Reconsideration of an award of bid for rock hauling to County stockpiles, in the total amount of \$590,129.20, for fiscal year 2009 to Husker Trucking, Hiskey Trucking, Westover Trucking and Buel Trucking found at County Bid No. B-08-0053.

Fox stated the bid was originally awarded with an incorrect total amount and also listed a hauler who was not the low bidder. He stated the original bid listed Hiskey Trucking instead of Husker Trucking and the amount of \$3.53 per ton as opposed to \$3.50 per ton. He added that the following item, New Business Item 5R, is the corrected recommendation.

MOTION: Heier moved and Schorr seconded to reconsider an award of bid for rock hauling to County stockpiles, in the total amount of \$590,129.20, for fiscal year 2009 to Husker Trucking, Hiskey Trucking, Westover Trucking and Buel Trucking found at County Bid No. B-08-0053. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

R. Recommendation from the Purchasing Agent and the Lancaster County Engineering Department to award a bid for rock hauling to County stockpiles, in the total amount of \$590,485.20, for fiscal year 2009 to Husker Trucking, Hiskey Trucking, Kerford Limestone, Westover Trucking and Buel Trucking. (B-08-0054)

MOTION: Schorr moved and Heier seconded approval to award a bid for rock hauling to County stockpiles, in the total amount of \$590,485.20, for fiscal year 2009 to Husker Trucking, Hiskey Trucking, Kerford Limestone, Westover Trucking and Buel Trucking as recommended by the Purchasing Agent and the Lancaster County Engineering Department. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

S. Appointment of Dr. Sanat Roy as the Medical Director of the Community Mental Health Center, with an annual salary of \$197,600, effective December 4, 2008.

MOTION: Heier moved and Hudkins seconded approval of the appointment of Dr. Sanat Roy as the Medical Director of the Community Mental Health Center, with an annual salary of \$197,600, effective December 4, 2008. Hudkins, Schorr, Heier and Workman voted aye. Motion carried.

T. Election of Lancaster County Board officers, effective January 1, 2009.

MOTION: Hudkins moved and Schorr seconded to nominate and appoint Bernie Heier as Chair of the Board of Commissioners for 2009. Hudkins, Schorr, Heier and Workman voted aye. Motion carried.

MOTION: Schorr moved and Hudkins seconded to nominate and appoint Ray Stevens as Vice Chair of the Board of Commissioners for 2009. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

6) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. Receive and Place on File:

1. Clerk of the District Court's Monthly Report for November, 2008.
2. County Clerk's Monthly Report for November, 2008.
3. Records and Information Management's Monthly Report for November, 2008.
4. County Assessor/Register of Deeds Monthly Report for November, 2008.

B. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and John and Linda Munn, in the amount of \$119, on Bluff Road between North 148th to North 190th Street; Project C55-H-402(1). (C-08-0653)

6) **CONSENT ITEMS CONTINUED:**

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

7) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded adjournment of the Board of Commissioners meeting at 10:33 a.m.. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 9, 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

Commissioners Absent: Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Tom Fox, Deputy County Attorney
Norm Agena, County Assessor/Register of Deeds

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:33 a.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, December 2, 2008.**

MOTION: Schorr moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on December 2, 2008. Hudkins, Schorr, Heier and Workman voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 74 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

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

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

**Indian Center, Inc.
Nebraska United Methodist Foundation**

MOTION: Heier moved and Schorr seconded approval of motor vehicle tax exemption applications for Indian Center, Inc. and Nebraska United Methodist Foundation. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded adjournment of the Board of Equalization meeting at 10:34 a.m.. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk