

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 8, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Deb Schorr
Larry Hudkins
Bob Workman

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

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 1, 2009.**

MOTION: Stevens moved and Workman seconded approval of the minutes. Hudkins, Stevens, Workman and Heier voted aye. Schorr was absent from voting. Motion carried 4-0.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, September 8, 2009.**

MOTION: Hudkins moved and Stevens seconded approval of the claims. Hudkins, Workman, Stevens and Heier voted aye. Schorr was absent from voting. Motion carried 4-0.

Deb Schorr arrived.

- 3) **PUBLIC HEARING:**

- A. **County Special Permit No. 09019, requested by Harry Muhlbach, to allow the excavation of soil, sand and gravel on property generally located at N. 56th Street/Highway 77 and Raymond Road (14605 N. 56th Street).**

The Chair opened the Public Hearing.

Harry Muhlbach was sworn in. He distributed a letter of support (Exhibit A).

3) **PUBLIC HEARING CONTINUED:**

Bonding was discussed with Muhlbach, who felt the reclaimed area should not be figured in the bond. He spoke of the difficulty in obtaining a bond and the possibility of escrowing into a trust account.

Larry Eckel, Eckel Construction, was sworn in. He questioned bonding acres now that will not be needed for three years.

Mike DeKalb, County Planner, was sworn in. He said the site plan listed 19.5 acres to be disturbed. DeKalb stated an engineer would go on-site and certify everything has been restored after the three years.

4) **NEW BUSINESS:**

- A. **A resolution for County Special Permit No. 09019, requested by Harry Muhlbach, to allow the excavation of soil, sand and gravel on property generally located at N. 56th Street/Highway 77 and Raymond Road (14605 N. 56th Street). (R-09-0067)**

MOTION: Stevens moved and Hudkins seconded approval of the resolution.

Workman clarified that 19.5 acres would be bonded. Muhlbach agreed.

ROLL CALL: Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

- B. **A resolution in the matter of adopting the Fiscal Year 2009-2010 Lancaster County Budget. (R-09-0068)**

Dennis Meyer, County Budget & Fiscal Director, said the resolution would maintain the property tax rate of \$0.2683 and show changes in the proposed budget, which resulted from decreased valuation.

MOTION: Hudkins moved and Stevens seconded approval of the resolution.

Hudkins thanked Meyer for his work on the budget and those County Agencies who made the necessary reductions. He commended his fellow Commissioners for working together on the budget.

ROLL CALL: Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- C. **An interlocal agreement with the City of Hickman for one Sheriff's Deputy for law enforcement services within the corporate limits of the City of Hickman. Term of the agreement is from September 1, 2009, to August 31, 2010, and the County will be reimbursed up to \$78,470.35. (C-09-0482)**

4) **NEW BUSINESS CONTINUED:**

Terry Wagner, County Sheriff, explained this is a contract renewal, which has been in place for around 25 years.

Stevens asked if the contract in Item 4D is for overtime. Wagner confirmed that it allows Hickman to hire a deputy for his hourly wage, whereby the County pays the deputy's overtime and Hickman reimburses the County for the overtime plus the vehicle charge.

Wagner noted the Board had previously approved a grant application to fund an additional deputy for Hickman. The grant was unsuccessful, so the deputy will not be hired.

MOTION: Workman moved and Schorr seconded approval of the agreement. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- D. **An interlocal agreement with the City of Hickman for the provision of law enforcement services with the City, as needed by the City. The Sheriff shall assign one deputy for duty and provide one Sheriff's cruiser. The term of the agreement is from November 1, 2009, to October 31, 2010. The County shall be reimbursed at the deputy's overtime rate for the services provided and shall be reimbursed 55 cents per mile for the cruiser maintenance. Total compensation to the County shall not exceed \$3,500. (C-09-0481)**

MOTION: Hudkins moved and Stevens seconded approval of the agreement. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- E. **An agreement with Gateway Dermatology, 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 agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Gateway Dermatology, will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30-day termination provision. (C-09-0480)**

MOTION: Stevens moved and Workman seconded approval of the agreement. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- F. **A demonstration monitoring service agreement between BI Incorporated and Lancaster County on behalf of Lancaster County Community Corrections for the demonstration of the Electronic Home Detention Monitoring Program using BI TAD units. There is no cost to the County. The term of the agreement is 30 days from installation of the first monitoring unit on a client. (C-09-0483)**

MOTION: Hudkins moved and Stevens seconded approval of the agreement.

4) **NEW BUSINESS CONTINUED:**

Kim Etherton, Community Corrections Director, said the trans-dermal alcohol detecting devices will be tested for 30 days so they can determine their effectiveness.

ROLL CALL: Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- G. **An amendment to an agreement between Lancaster County and Lorena Pulgarin for project coordinator services for the Medical Translation and Interpretation Project found at County Contract No. C-08-0413. The amendment changes the ending date of the contract from June 30, 2009, to July 31, 2009, adds additional service as provided in Attachment "B", and increases the amount paid for the services from \$20,000 to \$21,666.58. (C-09-0484)**

MOTION: Stevens moved and Schorr seconded approval of the amendment. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

- H. **An addendum to the contract between Lancaster County and Spectramedia, Inc., found at County Contract No. C-07-0356, for the purchase of microfilming supplies on an as needed basis. The addendum renews the contract for an additional one-year term beginning August 15, 2009, and ending August 14, 2010. The amendment also provides for a price increase pursuant to Attachment "A". (C-09-0485)**

MOTION: Hudkins moved and Stevens seconded approval of the addendum. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

- I. **A contract with Physicians Laboratory Services for the annual requirements for laboratory testing services for the Community Mental Health Center. The term of the contract is for two years from the date of execution and the pricing for the services is according to the pricing listed in the contractor's proposal. (C-09-0486)**

MOTION: Schorr moved and Stevens seconded approval of the contract. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

- J. **A contract with Straight-Line Striping, Inc., in the amount of \$22,981.50, for pavement striping on N. 14th Street, Agnew Road, S. 68th Street and Firth Road; Project No. 10-03. (C-09-0487)**

MOTION: Workman moved and Hudkins seconded approval of the contract. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- K. **A contract with Engineering Technologies, Inc., in the amount of \$11,260, for HVAC controls for the County Engineering Document; Project No. 10-04. (C-09-0488)**

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of the contract. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- L. **Utility Permit No 973, allowing Lincoln Electric System (LES) to occupy County road right-of-way and to construct an overhead power line on S. 14th Street between Yankee Hill Road and Rokeby Road. There is no cost to the County. (C-09-0489)**

MOTION: Hudkins moved and Stevens seconded approval of the permit.

Ken Schroeder, County Surveyor, said his office put together a detour plan. He said information boards will be installed three business days ahead to warn everyone, and he will have LES notify the resident living in that area.

ROLL CALL: Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- M. **A contract with Rochester Armored Car Company, Inc., for armored car services for Lancaster County and the City of Lincoln at rates as specified in the contractor's proposal. The term of the contract shall be two years from the date of execution, with an option to renew for one additional two-year period. (C-09-0492)**

MOTION: Stevens moved and Hudkins seconded approval of the contract. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- 5) **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 the following:**
1. **Noise Study Report for Apple's Way Planned Unit Development District**
 2. **County Clerk monthly report for August, 2009**
 3. **Assessor/Register of Deeds monthly report for August, 2009**
 4. **Clerk of the District Court monthly report for August, 2009**
 5. **Management's Discussion and Analysis Financial Statements and Supplementary Information for the years ended June 30, 2009, and 2008 on the Railroad Transportation Safety District.**
- B. **A right-of-way contract between the County Engineer and Richard and Colleen Gregg, located at Pine Lake Road between S. 112th Street and S. 148th Street, in the amount of \$118; Project No. C55-Q-409(1) (C-09-0490)**

5) **CONSENT ITEMS CONTINUED:**

- C. **A right-of-entry contract between the County Engineer and Ronald and Barbara German, located at S. 82nd Street and Roca Road, at no cost to the County; Project No. C55-S-404(3). (C-09-0491)**
- D. **Setting of a public hearing for Tuesday, September 22, 2009, at 9:30 a.m., in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the issuance of a Class C liquor license to Penterman Management Group, Inc., for Ron's Pub, located at 13940 O Street, Lincoln, Lancaster County, Nebraska.**
- E. **Setting of a public hearing for Tuesday, September 29, 2009, 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. 09018 to amend the Lancaster County Zoning Resolution to change provisions to allow expanded home occupation.**

MOTION: Stevens moved and Hudkins seconded approval of the consent items. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

6) **PENDING:**

- A. **A resolution in the matter of County Change of Zone No. 08050, requested by Michael and Judith Rosecrans, to change the zoning on 8.84 acres, more or less, from AG Agricultural to B Business on property generally located one-half mile south of the corner of Hickman Road and Homestead Expressway/Highway 77 in Lancaster County, Nebraska. (R-08-0093) (Item placed on pending on November 4, 2008.)**

7) **EMERGENCY ITEMS AND OTHER BUSINESS:**

8) **ANNOUNCEMENTS:**

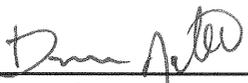
- A. **The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, September 10, 2009, beginning at 8:30 a.m., in Room 113 on the first floor of the County City Building.**
- B. **A public hearing will be held on Tuesday, September 15, 2009, at 9:30 a.m., in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding Comprehensive Plan Amendment No. 09006 (Little Salt Creek Watershed Master Plan), County Change of Zone No. 09017 (text amendment to Lancaster County Zoning Resolution), County Miscellaneous No. 09006 (text amendment to Lancaster County Land Subdivision Resolution), and a resolution to recognize the Little Salt Creek 100-year Floodprone Area and Floodway as best available information.**

8) **ANNOUNCEMENTS CONTINUED:**

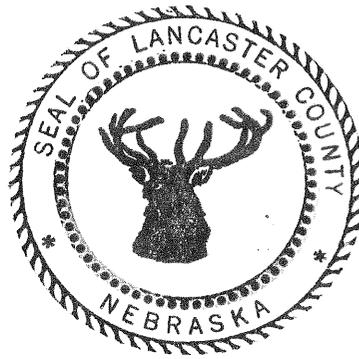
C. The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m., on Tuesdays and rebroadcast at 1:30 p.m., and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is available on the Internet 24 hours a day at www.lancaster.ne.gov. Click on 5 City-TV Video On Demand.

9) **ADJOURNMENT**

MOTION: Stevens moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:17 a.m. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 8, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Deb Schorr
Larry Hudkins
Bob Workman

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:17 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Equalization meeting held on Tuesday, September 1, 2009.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- 2) **ADDITIONS AND DEDUCTIONS: Approval of nine additions and deductions to the tax assessment rolls per Attachment "A".**

MOTION: Stevens moved and Hudkins seconded approval of the additions and deductions. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

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

American Red Cross
Capitol City Christian Church
Tabitha, Inc.

MOTION: Stevens moved and Schorr seconded approval of the motor vehicle tax exemptions. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

4) **APPEAL OF PENALTY ON PERSONAL PROPERTY TAX:**

**Fastenal
KC Concrete Placement, Inc.**

Scott Gaines, Deputy County Assessor, said both companies filed personal property tax past the deadline. He said State Statute only allows for leniency when the filing was timely and the penalty was incorrectly calculated or wrongly opposed. Gaines recommended denial of the request.

MOTION: Stevens moved and Workman seconded denial of the appeals based on the recommendation of the County Assessor. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

5) **APPEAL ON DENIAL OF HOMESTEAD EXEMPTION:**

Roberta Hofker

Gaines said the requirements for homestead exemption are ownership and occupancy of the property from January 1 to August 15, and the letter from Hofker states the title was transferred on August 12. He said there is no leniency on the dates, so his office recommends denial.

Hudkins asked if a person would lose his homestead exemption if he was transferred to a nursing home. Gaines said the residence would still qualify if the person was temporarily away, the furnishing remained, and the residence was not occupied by others.

MOTION: Stevens moved and Workman seconded to deny the appeal based on the recommendation of the County Assessor. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

6) **ADJOURNMENT**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 10:23 a.m. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.



**Dan Nolte
Lancaster County Clerk**

