

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, MARCH 16, 2010**  
**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: Gwen Thorpe, Deputy Chief Administrative Officer  
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, March 9, 2010.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, March 16, 2010.**

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

3) **SPECIAL PRESENTATION:**

A. **Introduction of Reverend Randy Bartelt, full-time chaplain for the Lancaster County Jail through the Good News Jail and Prison Ministries of Fairfax, Virginia – Mike Thurber, Corrections Director.**

Mike Thurber said it was the 15<sup>th</sup> year Good News Jail and Prison Ministries has been involved with his department. He requested \$14,000 from the Inmate Benefit Fund to supply a full-time chaplain from Good News. Thurber explained the fund is sourced from commissary purchases and phone revenue; it is used to support programs such as the law library, recreation and GED testing.

Randy Bartelt said Good News is in approximately 90 jails in the United States and in 22 other countries. He has 37 volunteers in the local jail who provide bible studies and church services. Bartelt said the program was started by a Virginia businessman who volunteered as a jail chaplain.

Heier expressed his appreciation for Bartelt's work.

4) **PUBLIC HEARING:**

- A. **An application for an amusement license from Raymond United Methodist Church to hold a swap meet on August 28, 2010, at 11505 N. 14<sup>th</sup> Street, Raymond, Lancaster County, Nebraska.**

The Chair opened the public hearing.

Denise Schachenmeyer, Bryan Brandenburgh and Jan Hauser were administered the oath. Hauser stated she owns the property where the church swap meet would be held. She explained it would be similar to a flea market; the property would be divided for parking and booth spaces.

Hudkins questioned the requirement of an amusement license for the event. Tom Fox, Deputy County Attorney, was administered the oath. He explained the event fits the parameters of the amusement license as a large gathering on a property. Hudkins further questioned why the Building and Safety Department would recommend denial of the application when other churches have held similar events without a license. It was noted no one from Building and Safety was present.

Stevens referenced the letter from the County Engineer's Office, noting parking was not allowed on 14<sup>th</sup> Street. Hauser said parking would be on her property, which she referenced on the map.

The Chair closed the public hearing.

5) **NEW BUSINESS:**

- A. **A request from Lancaster County Corrections to expend \$14,000 from the Inmate Benefit Fund to help provide for a full-time chaplain through the Good News Jail and Prison Ministries of Fairfax, Virginia.**

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

- B. **An application for an amusement license from Raymond United Methodist Church to hold a swap meet on August 28, 2010, at 11505 N. 14<sup>th</sup> Street, Raymond, Lancaster County, Nebraska.**

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

- C. **A temporary easement with The Lower Platte South Natural Resources District for the purpose of cutting and removing trees and shrubs from the side slope and levee/roadway in the area located along Salt Creek along the 1<sup>st</sup> Street roadway embankment from Park Avenue south to West Calvert Street to approximately 33 feet west of the 1<sup>st</sup> Street centerline. Lancaster County will receive \$10 for the temporary easement. (C-10-0117)**

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

5) **NEW BUSINESS CONTINUED:**

**Returning to Item 5B:**

Dale Stertz, Building and Safety, said the property is zoned for agriculture, which does not include use for retail sales. Hudkins questioned why this organization would be required to obtain an amusement license, noting some other churches have had similar events without a license. Stertz said the cases referenced have been within a mile of the village limits which would make a difference.

**D. A resolution authorizing the signature of Supplemental Agreement No. 2 for Project No. BR-3340(7) – Waverly Southeast. (R-10-0022)**

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

**E. A contract with Midwest Floor Covering, Inc., in the amount of \$10,099, to provide carpet removal and replacement for the Department of Motor Vehicles lobby. The work included in the contract will begin and be completed on the weekend of April 17, 2010, or April 24, 2010. (C-10-0104)**

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

**F. An addendum to an agreement with Seim, Johnson, Sestak and Quist, L.L.P., on behalf of the Community Mental Health Center. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act (HIPAA) with respect to business associates as that term is defined by the HIPAA privacy rules. (C-10-0105)**

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

**G. Change order No. 2 to the contract between Lancaster County and Dickey and Burham, Inc., for Emergency Management relocation, providing for an increase in the contract sum by \$460. (C-10-0106)**

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

**H. A grant contract with Family Violence Council, in the amount of \$94,633, to provide funding for program coordinating of the Violence against Women Act (VAWA) grant program, "Improving the Violence against Women Coordinated Response in Lancaster County". Term of the contract is January 1, 2010, to December 31, 2010. (C-10-0118)**

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

5) **NEW BUSINESS CONTINUED:**

- I. **A contract between Diamond Vogel, the City of Lincoln, Lancaster County, and the Lincoln-Lancaster County Public Building Commission to provide general building materials and equipment, paint and related supplies, for various County departments and agencies. The County shall pay for supplies according to University of Nebraska Proposal No. 11031. Term of the contract is January 1, 2010, to December 31, 2010. (C-10-0119)**

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

- J. **A request for permission from Discovery Communications, L.L.C., (DCL) and Sirens Media, L.L.C., to use the Driver's License testing facility located at 500 W. O Street to film a documentary. (C-10-0120)**

Tom Fox said the request was submitted late Friday and he had minimal time to review it. He addressed various concerns with the release: no specific dates, no restrictions on use of property or placement of equipment, ability to change and remove signs, no signatures from the companies involved, and limited remedies for damages. He noted the item was hurriedly placed on the agenda since filming is supposed to start on Friday, March 19; his office had no time to negotiate with parties involved. Fox stated the driver's license facility is public, so a film crew could legally follow someone in with a handheld camera if they did not disrupt the facility. The Board agreed with Fox's concerns.

**MOTION:** Schorr moved and Workman seconded to defer any decision on this request so the County Attorney could discuss concerns with the filming company and report back to the Board on Thursday.

Workman said giving permission would prevent the County from stopping the process once it starts. Stevens noted items he would like addressed: filming dates, counter-signatures and prior approval from everyone involved on camera. He thought someone should contact the company to let them know the Board did not approve the release and would discuss it further. Workman asked for more specifics on signage changes. Schorr said the Deputy Sheriff at the driver's license facility should be made aware of the filming. Stevens questioned if there were any contacts in Lincoln; Fox said he did not have contact information yet. With regard to subject matter, it was noted the documentary is supposedly about a pregnant woman being paroled who wants to obtain a Nebraska driver's license.

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

- K. **A recommendation from the Purchasing Agent and the County Engineer to award a bid to Pavers, Inc., in the amount of \$349,395.53, for Arbor Road grading and paving. (B-10-0026)**

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

- L. **A political subdivision tort claim filed against Lancaster County by Jeffery Hall, in the amount of \$1,000,000, for alleged negligence and failure to have a stop sign or other traffic control device to control southbound traffic on S. 25<sup>th</sup> Street at the intersection of Gage Road and S. 25<sup>th</sup> Street.**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Stevens moved and Workman seconded denial of the tort claim. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

**M. Approval of a salary increase of 1.5% for the position of Law Clerk for the Lancaster County District Court. The increase shall be effective as of December 17, 2009, and shall increase the annual salary for this position from \$37,500 to \$38,062.50.**

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

**N. Approval of new County seal.**

Cori Beattie, Deputy County Clerk, discussed the need to update the County Seal and showed examples of the current and revised seals. She said the seal stamp has not been replaced in over 30 years. Beattie said she and the Purchasing Department worked with Cornerstone Imaging and Printing to develop a revised image. The first revision was done on February 23. A few minor changes were suggested, and the image was revised again on March 15. Hudkins said he liked the revision and noted the positive comments he heard on the new seal.

Beattie introduced Brophy Ringdahl and Dave Brouliette from Cornerstone Imaging and Printing who assisted with the project.

**MOTION:** Schorr moved and Stevens seconded approval of the March 15 revision of the County seal. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

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 the County Sheriff monthly report for February, 2010.**

**B. Right-of-way contracts between the County Engineer and the following:**

- 1. Abele Revocable Living Trust, in the amount of \$1,315, located at 10301 Saltillo Road; Project C-55-PQ-406(2). (C-10-0107) (C-10-0108)**
- 2. Donald L. and Sandra K. Ehlers, in the amount of \$5,047, located at 12200 S. 110<sup>th</sup> Street; Project C-55-PQ-406(2). (C-10-0109) (C-10-0110)**
- 3. Glenn P. Ehlers, in the amount of \$18,481.25, located at 11600 Saltillo Road; Project C-55-PQ-406(2). (C-10-0111) (C-10-0112) (C-10-0113)**
- 4. LD1 BAE, L.L.C., in the amount of \$1,205, located at Saltillo Road between S. 98<sup>th</sup> Street and 120<sup>th</sup> Street; Project No. Project C-55-PQ-406(2). (C-10-0114)**
- 5. Wolfe Farms, L.L.C., in the amount of \$70,515.56, located at 8300 N. 70<sup>th</sup> Street; Project No. C55-G-408(3). (C-10-0115) (C-10-0116)**

6) **CONSENT ITEMS CONTINUED:**

Stevens questioned one contract which had a fee simple whereby the County paid 10% of the value of the average. He said it appears it was signed by the individual and the County Engineer. He added the County does not normally get a 90% discount when taking something by fee simple.

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

7) **PUBLIC COMMENT:**

No comments were offered by the public.

**Emergency Item:**

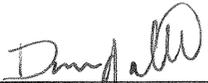
Heier announced there would not be a Board of Commissioners/Board of Equalization meeting on Tuesday, March 23, 2010, due to lack of a quorum. The Board discussed how to proceed with approving claims while the Board is adjourned. It was suggested to approve a resolution at the Thursday, March 18, 2010, staff meeting allowing the Clerk to issue claims. The Board and Tom Fox discussed doing a resolution regarding claims being signed on behalf of the Board in their absence. The consensus was to approve claims at the Thursday staff meeting.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, March 18, 2010, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**
- B. **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](http://www.lancaster.ne.gov). Click on 5 City-TV Video on Demand.**

9) **ADJOURNMENT**

**MOTION:** Stevens moved and Schorr seconded to adjourn the Board of Commissioners meeting at 10:15 a.m. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

  
\_\_\_\_\_  
**Dan Nolte**  
**Lancaster County Clerk**



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, MARCH 16, 2010**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**IMMEDIATELY FOLLOWING THE LANCASTER COUNTY**  
**BOARD OF COMMISSIONERS MEETING**

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

Others present: Norm Agena, County Assessor/Register of Deeds  
Scott Gaines, Deputy County Assessor/Register of Deeds  
Gwen Thorpe, Deputy Chief Administrative Officer  
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 10:15 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 9, 2010.**

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

2) **ADDITIONS AND DEDUCTIONS: Approval of 11 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

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

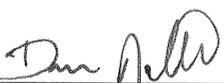
3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

**Cedars Youth Services**  
**First Free Methodist Church**  
**Northern Lighthouse**  
**Southeast Nebraska Mobile Diagnostic Services, Inc.**  
**St. Mary's Church**

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

4) **ADJOURNMENT**

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

  
\_\_\_\_\_  
**Dan Nolte**  
**Lancaster County Clerk**

