

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 4, 2010
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.**

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

Commissioners absent: Bob Workman

Others present: Kerry Eagan, 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, April 27, 2010.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, May 4, 2010.**

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

3) **SPECIAL PRESENTATION:**

A. **Presentation of the Commissioner's Award of Excellence for February, 2010, to Chad Anderson, Corrections.**

The Clerk read the nomination for the record. Mike Thurber, Corrections Director, commended Chad Anderson for assisting the Lincoln Police Department with an arrest. Stevens presented the plaque to Anderson, who said he was glad to help. Anderson introduced his daughter and wife.

Thurber discussed the Correction Department's community service projects, including litter pick-up and assistance with moves for various City and County departments. Heier thanked the Corrections Department and recognized the employees present. He noted there were currently 500 people in the jail facilities and seven in other facilities, such as Mental Health.

4) **PUBLIC HEARINGS:**

- A. **County Board of Zoning Appeals No. 10001, requested by Howard and Marion Stillinger, to construct a single family residence on property less than 20 acres, generally located at NW 27th Street and Davey Road. (See Item 5A for correlating documentation.)**

The Chair opened the public hearing.

Howard Stillinger was administered the oath. He said he and his wife purchased 12.54 acres of land on W. Davey Road with the understanding they could build a home on the property; however, County zoning regulations state this is not a buildable lot since it is less than 20 acres. Stillinger showed an aerial view of the property, pointing out the location of the creek and the intended location of the house. He noted about 3.7 acres on the property are buildable. Hudkins said he looked at the property, and he felt the location selected for the house was the highest piece of ground on the property. Hudkins asked Stillinger if he checked floodways and flood maps. Stillinger said they hired a surveyor, and 3.7 acres has been taken out of the floodplain area. Stillinger said they were not sure when construction would start and if they would move into the house themselves.

Mike DeKalb, Lincoln-Lancaster County Planning, was administered the oath. Stevens asked DeKalb how the updated flood maps would impact homeowners. DeKalb said it is not known for sure the impact on the properties. He said if a portion of a home is in the floodplain, it could still be built according to floodplain regulations.

Ben Higgins, Public Works & Utilities Senior Engineer, was administered the oath. He showed the new floodplain map for the area, stating FEMA is still reviewing it. He explained the difference between a floodway and floodplain, with the floodway being where the water is conveyed and the floodplain having slower conveyance. He said a home could not be built in a floodway; however, a home could be built in a floodplain as long as it is built higher.

Heier questioned if other lots with railroad tracks and bike paths dissecting them were divided into two smaller lots. DeKalb said, in this case, the Board of Zoning had a unique circumstance with the realignment of a County road. Heier asked if the same logic would be true with the South and East beltways. DeKalb did not think so since lots are usually tied together when a new highway is built through them.

Ken Schroeder, County Surveyor, was administered the oath. He said two lot numbers were created when the original lot was split by the realignment of W. Davey Road in 1997. Schroeder said current policy requires a note be put on a lot if it does not have a subdivision or farmstead permit; it would not be assigned a separate lot number. If the property had a separate lot number or was divided by a road, it would be noted to indicate non-buildable lots.

Stillinger said they have been paying \$210 in property taxes; adding a home to the property would increase the tax base.

Karen Brower, surveyor for the property, was administered the oath. She said she had a letter from FEMA, stating part of the property has been removed from the floodplain. Brower discussed the new floodplain maps, which would remove more of the property if approved. She said the property removed averaged one foot above the flood base.

4) **PUBLIC HEARINGS CONTINUED:**

John L. Austin was administered the oath. He encouraged the Board to approve the waiver for Howard and Marion Stillinger. He disagreed with the rule stating homes can only be built on properties of 20 acres or larger.

The Chair closed the public hearing.

- B. **Comprehensive Plan Amendment No. 10002, to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to formally revise three figures in the Little Salt Creek Watershed Master Plan. (See Item 5B for correlating documentation.)**
- C. **Correction to Little Salt Creek 100-year Floodprone Area and Floodway Map. (See Item 5C for correlating documentation.)**

The Chair opened the public hearing for Items 4B and 4C since both items were related.

Ben Higgins, Public Works & Utilities Senior Engineer, appeared. The Chair noted Higgins was previously sworn in and would remain under oath. Higgins pointed out errors on the previously approved map. He said letters were sent to property owners around the area and no response was received. Higgins said one resolution would amend the comprehensive plan, and the other resolution would redo the floodplain map for the area.

The Chair closed the public hearing.

5) **NEW BUSINESS:**

- A. **A resolution approving County Board of Zoning Appeals, Appeal No. 10001, requested by Howard and Marion Stillinger, for a variance of Section 4.017(a) of the Lancaster Zoning Resolution for property generally located at NW 27th Street (not open) and W. Davey Road, Lancaster County, Nebraska. (R-10-0028)**

MOTION: Stevens moved and Hudkins seconded approval of the resolution. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- B. **A resolution in the matter of Comprehensive Plan Amendment No. 10002, by the Director of Planning, at the request of the Public Works and Utilities Department, Division of Watershed Management to amend the 2030 Lincoln-Lancaster County Comprehensive Plan by revising and replacing Figures ES-3, 5-1, and 5-13 with new figures as provided in Exhibit "A". (R-10-0029)**
- C. **A resolution adopting and recognizing the Little Salt Creek 100-year floodprone area and floodway as the best available information as provided in Attachment "A". (R-10-0030)**

MOTION: Hudkins moved and Stevens seconded approval of resolutions in Item 5B (R-10-0029) and Item 5C (R-10-0030). Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

5) **NEW BUSINESS CONTINUED:**

- D. **A request from Superior Family Dentistry for a refund of 2009 personal property taxes.**

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended approval of the refund for approximately \$2,600. He said the tax was paid by both the lessor and the lessee.

MOTION: Schorr moved and Stevens seconded approval of the refund request. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- E. **Renewal of a maintenance agreement with Environmental Systems Research Institute, Inc. (ESRI), in the amount of \$15,560.82, for ArcInfo software used by the Lancaster County Engineer's and County Assessor/Register of Deeds' Geographic Information System (GIS) system. Term of the agreement is July 21, 2010, to July 20, 2011. (C-10-0201)**

Erik Hubl, GIS Mapping Division Head, said the maintenance agreement covers the license rights for the County Engineering Department and the Assessor/Register of Deeds Office. He noted the name change to ArcGIS.

MOTION: Stevens moved and Hudkins seconded approval of the agreement. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

- F. **An agreement between the Nebraska Commission on Law Enforcement and Criminal Justice and Lancaster County, to lay out the roles and responsibility of each party with regard to the statewide Juvenile Diversion Case Management System. Term of the contract is April 1, 2010, to June 30, 2011. The County will bear the cost of migrating data into the statewide system. (C-10-0202)**

MOTION: Hudkins moved and Stevens seconded approval of the agreement. Schorr, Stevens, Hudkins, and Heier voted aye. Motion carried 4-0.

- G. **A contract between the Nebraska Department of Health and Human Services Division of Children and Family Services and Lancaster County, on behalf of the Lancaster County Attorney's Office, to provide funding to assist the Lancaster County Attorney in the preparation and filing of termination of parental rights in accordance with Nebraska Revised Statute §43-292. Term of the contract is July 1, 2010, to June 30, 2012. The Department of Health and Human Services will pay the County a total of \$209,000. (C-10-0203)**

MOTION: Hudkins moved and Stevens seconded approval of the contract. Stevens, Schorr, Hudkins, and Heier voted aye. Motion carried 4-0.

- H. **Amendment to an agreement with Continuum Employee Assistance to provide an employee assistance program for County employees, found at County Contract No. C-09-0007. The amendment reduces the amount paid by the County for the 2010 and 2011 contract years from \$23,800 to \$19,500 per contract year. (C-10-0206)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Hudkins seconded approval of the amendment. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- I. **A second addendum to the cooperative agreement between the Department of Health and Human Services/Child Support Enforcement and Lancaster County that requires the County and authorized child support offices to convert from Lotus Notes to Microsoft Exchange via Microsoft Outlook Web Access. The addendum also states the department will no longer provide computer hardware or software to the County child support offices. The addendum will take effect July 1, 2010. (C-10-0207)**

MOTION: Hudkins moved and Stevens seconded approval of the addendum. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

Schorr noted this is an example of a cost shift from the State to the local government entity. The County is now responsible for computer systems of the child support offices.

- J. **A political subdivision tort claim filed against Lancaster County by Rose Kenney for alleged damage to property in the amount of \$271.58.**

Rose Kenney said the incident occurred as she was headed west from Lincoln near the 390 mile marker one mile east of the Crete exit around 5:30 a.m. She noticed a truck with flashing lights going south on the overpass. As she went under the overpass, snow and rocks came over the edge onto her windshield. Heier said the County Engineer's Office stated they did not have a vehicle on the roads at that time. He asked Kenney if she spoke with the Engineer's Office. She said she went to them first and was told to file a tort claim. Heier suggested Kenney speak with the Engineer's Office before the Board makes a motion on the claim. Hudkins questioned if the road Kenney described could be a Seward County road or if the truck could belong to a private company.

MOTION: Stevens moved and Hudkins seconded to table the item one week. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

- K. **A political subdivision tort claim filed against Lancaster County by Julie Bergfield for alleged negligence and alleged injury at Trabert Hall in the amount of \$35,494.33.**

Tom Fox, Deputy County Attorney, said the claimant sent an amended version of the tort claim, noting a change in the wording from City to County.

MOTION: Schorr moved and Hudkins seconded denial of the tort claim. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

- L. **Approval of annual salary for Gwen Thorpe, Deputy Chief Administrative Officer to the Lancaster County Board, at \$85,000, effective May 6, 2010.**

MOTION: Schorr moved and Hudkins seconded approval of the salary. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

5) **NEW BUSINESS CONTINUED:**

- M. **Execution of County Board signatures on the amended final plat for Saint Francis 1st Addition generally located at the corner of South Street and S. 10th Street, Lincoln, Lancaster County, Nebraska, and pertaining to the Lancaster Manor property.**

Tom Fox said the amended version further identifies the utility and pedestrian easement.

MOTION: Stevens moved and Schorr seconded approval of the execution of signatures. Schorr, Stevens and Heier voted aye. Hudkins voted nay. Motion carried 3-1.

- 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. **Right-of-way contracts between the County Engineer and the following:**
1. **Maahs Farms, in the amount of \$895, located south of Pioneers Boulevard on S. 162nd Street; Project No. CP-Q-190. (C-10-0204)**
 2. **Carl Maahs, as a donation, located east of S. 162nd Street on A Street; Project No. CP-J-274. (C-10-0205)**
- B. **Setting of a public hearing for Tuesday, May 18, 2010, at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the application for a Class C liquor license from Bluestem Tree Farms, L.L.C., d/b/a Bluestem Landscaping and Vineyard, located at 5895 W. Sprague Road, Lancaster County, Nebraska.**

Heier thanked Carl Maahs for his donation.

MOTION: Hudkins moved and Stevens seconded approval of the consent items. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

7) **PUBLIC COMMENT:**

John L. Austin told of an incident at one of the County correctional facilities in which he was involved.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, May 6, 2010, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**

8) **ANNOUNCEMENTS CONTINUED:**

B. Public hearings will be held on Tuesday, May 11, 2010, at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. Amendment of the Lancaster County General Assistance Guidelines.
2. Application for a Class I liquor license from West Nine & Learning Center at Firethorn, L.L.C., located at 8788 Firethorn Lane, Lincoln, Lancaster County, Nebraska.

C. The Lancaster County Board of Commissioners will hold departmental budget hearings at the County-City Building on the following dates.

TUESDAY, MAY 11, 2010 – Room 113

11:00 am - County Court
11:20 am - District Court
11:40 am - District Court Clerk
12:00 pm - Lunch
1:00 pm - County Extension
1:20 pm - Miscellaneous Budgets
1:40 pm - Public Defender
2:00 pm - County Attorney
2:20 pm - Corrections
2:50 pm - Break
3:00 pm - Human Services
3:20 pm - Veterans Affairs/General Asst
3:40 pm - Community Corrections
4:00 pm - Juvenile Court
4:20 pm - Library

WEDNESDAY, MAY 12, 2010 – Room 303

8:00 am - Youth Services Center
8:30 am - County Clerk
8:50 am - County Treasurer
9:10 am - County Assessor
9:30 am - County Engineer/GIS
9:50 am - Break
10:00 am - Records Management
10:20 am - Property Management
10:40 am - Emergency Management
11:00 am - Sheriff
11:30 am - Miscellaneous Budgets
12:00 pm - Lunch
1:00 pm - Miscellaneous Budgets
1:20 pm - Weed Control
1:40 pm - Information Services
2:00 pm - Visitors Promotion
2:20 pm - Agricultural Society
2:40 pm - Risk Management
3:00 pm - Mental Health Center

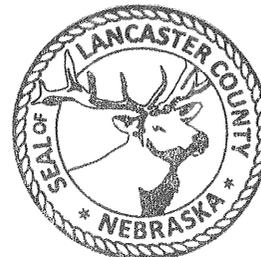
D. The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m., on Tuesdays and rebroadcast at 1:30 p.m., and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is 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 10:35 a.m. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 4, 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
Larry Hudkins
Deb Schorr

Commissioners absent: Bob Workman

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, 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 10:35 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 27, 2010.**

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

2) **ADDITIONS AND DEDUCTIONS: Approval of seven 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, Stevens and Heier voted aye. Motion carried 4-0.

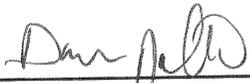
3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

Catholic Bishop of Lincoln
Community Blood Bank of LCMS
Redeemer Lutheran Church

MOTION: Stevens moved and Hudkins seconded approval of the motor vehicle tax exemptions. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

4) **ADJOURNMENT**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 10:37 a.m. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk

