

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 21, 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
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, 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 14, 2010.**

MOTION: Stevens moved and Hudkins 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, September 21, 2010.**

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

3) **PUBLIC HEARING:**

- A. **County Special Permit No. 10028, requested by Carry and Julie Crist, to construct an office building for expanded home occupation, generally located at SW 114th Street and W. Roca Road/Hwy 33. (See Item 4A for correlating document.)**

The Chair opened the public hearing. Julie Crist was administered the oath. She explained they want to expand their home chiropractic office. Schorr inquired about the number of employees and patients at the business. Crist said she has two employees and an average of 15 patients per day. Stevens questioned the distance of the building from the road. Crist said they want their building to be visible from the road, but she thought it would be at least 200 feet. Hudkins encouraged Crist to consider possible future road expansion when planning placement of the building. Schorr asked what signage was being used. Crist said "Countryside Chiropractic" is on a sign at the end of the lane; a sign will be put on the new building also. The Chair closed the public hearing.

4) **NEW BUSINESS:**

- A. **A resolution in the matter of County Special Permit 10028, requested by Carry and Julie Crist, to construct an office building for the expansion of a home occupation for the purpose of constructing an office building on Lot 14 (10 acres more or less) and Lot 34 (21.04 acres more or less), generally located at SW 114th Street and W. Roca Road/Hwy 33, Lancaster County, Nebraska. (R-10-0081)**

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

- B. **A resolution proclaiming Monday, September 27, 2010, as "Family Day – A Day to Eat Dinner with Your Children". (R-10-0082)**

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

- C. **A resolution in the matter of directing the County Engineer to conduct a study regarding the vacation of North Street abutting Lot 1, Block 1, as platted in the unincorporated village of Agnew. (R-10-0083)**

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

Stevens questioned how much of the road would be vacated. Ken Schroeder, County Surveyor, said the vacated area would be from NW 70th Street to the railroad right-of-way. Hudkins asked about NW 70th Street being closed to the north. Schroeder said it is closed and barricades are in place.

ROLL CALL: Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- D. **A resolution authorizing the installation of the following traffic signs at the intersection of S. 176th Street and Yankee Hill Road in Lancaster County:**
- **Install stop signs (R1-1) on Yankee Hill Road for eastbound and westbound traffic at the S. 176th Street intersection to provide a four-way stop intersection.**
 - **Install all way signs (R1-4) below each stop sign at the intersection.**
 - **Install stop ahead signs (W3-1a), one for eastbound traffic on Yankee Hill Road approximately 500 feet west of the S. 176th Street intersection, and one for westbound traffic on Yankee Hill Road approximately 500 feet east of the S. 176th Street intersection. (R-10-0084)**

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

Hudkins thanked the County Engineer's Office for placing a "Stop Ahead" sign on 98th Street and Hwy 6.

ROLL CALL: Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- E. **A special events permit application from St. Michael's Catholic Church to hold a fall festival at 9230 First Street, Cheney, Lancaster County, Nebraska, on Sunday, October 3, 2010.**

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of the special events permit incorporating the County Engineer's recommendations (copy of letter on file in the County Clerk's Office). Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

F. A request from Edward Hansen for a refund of real property taxes.

Carole Pitts appeared on behalf of Edward Hansen. She said Hansen bought the 80 acres of land 16 years ago, at which time it was classified as Agricultural. The land included 19.2 acres of production land with the rest being trees and grass. Recently, Hansen learned the land usage was misclassified and he had been overpaying taxes for the past 16 years. She noted two appraisals had been done in 2006 and 2008, so they did not question the classification of the land. She was told by the County Assessor's Office it was the property owner's responsibility to notify the Assessor's Office of the proper classification.

Rob Ogden, Deputy County Assessor/Register of Deeds, said the land is being reviewed for 2011 to verify the proper classification. Hudkins questioned the reviews done in 2006 and 2008. Ogden said his office did reviews from the road and could not see that it was not all production land. Stevens questioned the value of agricultural production land versus grassland. Ogden said grassland is around \$1,000 per acre less than dry land. He noted valuation protests are over for 2010. Hudkins confirmed with Ogden that State statute would not allow the Board to change a valuation at this time. He felt the adjustment should have been caught by the County Assessor's office. Heier said the County could not refund money for previous years, but they would go forward with the corrected valuation. Hudkins explained the refund policy is a legislative issue, and the County has to abide by those rules. He suggested Pitts speak to her State Senator to initiate changing the policy.

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

G. A contract between Lancaster County and Spectramedia, Inc., for the annual requirements of microfilming supplies on an as needed basis. Term of the contract is four years from the date of execution by both parties. The County shall pay for products according to the pricing as listed in the contractor's proposal. (C-10-0468)

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

H. A contract between Lancaster County and Allan Enterprises for the annual requirements of microfilming supplies on an as needed basis. Term of the contract is four years from the date of execution by both parties. The County shall pay for products according to the pricing as listed in the contractor's proposal. (C-10-0469)

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

I. An amendment to a contract with FirstCall Network, Inc., found at County Contract No. C-09-0539, for the Lancaster County Reverse 911 System. The amendment renews the contract for an additional one-year term from October 13, 2010, to October 12, 2011. (C-10-0470)

4) **NEW BUSINESS CONTINUED:**

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

- J. **An amendment to an agreement with the Lancaster County Medical Society (LCMS), found at County Contract No. C-10-0199, for the purpose of obtaining clerical assistance in enrolling qualified clients in national medication assistance programs at the Community Mental Health Center. The amendment includes additional clerical assistance and reporting requirements, changes the term of the agreement to January 1, 2010, through June 30, 2011, and changes the reimbursement amount to \$1,150 per month from July 1, 2010, to June 30, 2011. (C-10-0471)**

Item was held per request of the County Attorney.

- K. **An agreement and acceptance of proposal with the Lincoln League of Women Voters to assist with voter registration sites in Lancaster County. The County shall pay up to \$2,500 for the services. Term of the agreement is September 1, 2010, to August 31, 2011. (C-10-0472)**

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

- L. **An agreement with the Child Advocacy Center to conduct interviews and medical examinations of child abuse victims to aid law enforcement and prosecution in their investigations of child abuse. The County will pay \$20,000 for the services. Term of the agreement is October 1, 2010, to September 30, 2011. (C-10-0473)**

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

- M. **A grant contract with Friendship Home, Inc., to provide funding in the amount of \$28,000 for alternatives to juvenile incarcerations through the Children in Shelter Project. Friendship Home, Inc., will provide \$75,042 of matching funds. Term of the grant contract is July 1, 2010, to June 30, 2011. (C-10-0474)**

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

- N. **A grant contract with TeamMates of Lincoln Public Schools to provide funding in the amount of \$7,500 for alternatives to juvenile incarcerations through Project MOAST (Mentors Offer A Second Turn). Term of the grant contract is July 1, 2010, to June 30, 2011. (C-10-0475)**

MOTION: Stevens moved and Hudkins seconded approval of the grant contract.

Hudkins commended the TeamMates program.

ROLL CALL: Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

4) **NEW BUSINESS CONTINUED:**

- O. **A grant contract with Heartland Big Brothers Big Sisters, Inc., to provide funding in the amount of \$6,250 for alternatives to juvenile incarcerations through the Building Our Assets Together (BOAT) program. Heartland Big Brothers Big Sisters, Inc. will provide \$9,430 of matching funds. Term of the grant contract is July 1, 2010, to June 30, 2011. (C-10-0476)**

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

- P. **An amendment to a contract with the State of Nebraska Department of Health and Human Services (DHHS), Division of Behavioral Health service, found at County Contract No. C-10-0025, to provide youth problem gambling prevention services for the Gamblers Assistance Program. The amendment changes the term of the contract to July 1, 2009, through June 30, 2011, changes the total amount the County will receive from DHHS to \$70,000, and changes the payment structure and reporting deadlines. (C-10-0477)**

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

- Q. **An agreement with the Board of Regents of the University of Nebraska, the University of Nebraska at Omaha, to conduct evaluation of Lancaster County's Centralized Risk and Needs Assessment Program. The County shall pay \$5,500 for the services provided. Term of the agreement is June 1, 2010, to August 30, 2010. (C-10-0478)**

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

- R. **Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice, in the amount of \$78,703, for the Juvenile Accountability Block Grants Program (JABG). The County will provide \$8,745 in matching funds for a total project cost of \$87,448. Term of the grant award is July 1, 2010, to June 30, 2011.**

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

- S. **A revised grant application budget summary for a grant from the Nebraska Crime Commission for the POWER program.**

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

- T. **Labor Negotiations (Executive Session)**

The Chair announced the item would be held until the end of the meeting.

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 City of Lincoln/Lancaster County Railroad Transportation Safety District Management's Discussion and Analysis Financial Statements and Supplementary Information for the Years Ended June 30, 2009, and June 30, 2010.**
- B. **Right-of-way contracts between the County Engineer and the following:**
 - 1. **Darlis Porter, in the amount of \$9,940, located at 13001 Pine Lake Road; Project No. C55-Q-409(1). (C-10-0479)**
 - 2. **Milton and Carol Talcott, in the amount of a donation, located at 120th Street and Saltillo Road; Project No. C-55-PQ-406(2). (C-10-0480) (C-10-0481)**
 - 3. **Joseph and Carol Rogers, in the amount of \$8,230, located at 2100 S. 98th Street; Project No. C55-KP-412(1). (C-10-0482) (C-10-0483) (C-10-0484)**
 - 4. **Michael and Patricia Germer, in the amount of \$24,100, located at 1500 S. 98th Street; Project No. C55-KP-412(1). (C-10-0485) (C-10-0486) (C-10-0487)**
- C. **A leasehold contract between the County Engineer and Fredric and Nancy Oltjenbruns, in the amount of \$10, located at N. 27th Street and Agnew Road; Project No. CP-B-128d. (C-10-0488)**
- D. **Setting of a public hearing for Tuesday, October 5, 2010, at 9:30 a.m. in the County Commissioner Hearing Room, Room 112, on the first floor of the County-City Building, to set the final tax request at a different amount than the prior year tax request. The request is for Lancaster County and the Rural Library for Lancaster County.**

MOTION: Stevens moved and Schorr seconded approval of the consent items.

Hudkins thanked Milton and Carol Talcott for their right-of-way donation.

Heier asked Kerry Eagan and Gwen Thorpe to schedule an update on 98th Street right-of-way purchases.

ROLL CALL: Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

6) **PUBLIC COMMENT:**

John Austin discussed a variety of topics, including the new steps and a loose railing in front of the County-City Building, the contracted hourly rate for psychiatrists, safety of gravel roads versus paved roads, proceeds from cans collected by inmates, rehabilitation programs for inmates, balancing the County budget and money given to the new Arena. Hudkins said he brought the railing to the attention of Property Management. Schorr said the arena money came from lodging taxes and was used to do some of the initial studies.

7) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, September 23, 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. Click on 5 City-TV Video on Demand.**

The Chair recessed the Board of Commissioners meeting at 10:13 a.m.

RETURNING TO ITEM 4T:

MOTION: Schorr moved and Hudkins seconded to enter executive session at 10:15 a.m. for the purpose of protecting the public interest with regards to labor negotiations. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

MOTION: Schorr moved and Stevens seconded to exit the executive session at 10:37 a.m. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

8) **ADJOURNMENT:**

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

/s/Dan Nolte

Dan Nolte
Lancaster County Clerk

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 21, 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: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, 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 10:13 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 14, 2010.**

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

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

MOTION: Schorr 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:**

Gentle Shepherd Baptist Church
Immaculate Heart of Mary Church
Indian Center, Inc.
Lincoln Lancaster Child Guidance Center
Vital Services, Inc.

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

4) **ADJOURNMENT:**

MOTION: Stevens moved and Schorr seconded to adjourn the Board of Equalization meeting at 10:15 a.m. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

/s/Dan Nolte

Dan Nolte
Lancaster County Clerk