

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 16, 2010
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

Commissioners absent: Bernie Heier, Chair

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
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, November 9, 2010.**

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

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

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

3) **SPECIAL PRESENTATION:**

A. **Recognition of Commissioner Larry Hudkins on his induction into the Lancaster County Agricultural Society Hall of Fame – Ron Snover, Lancaster Event Center Managing Director; Trudy Pedley, Lancaster County Agricultural Society Secretary.**

Trudy Pedley said the Hall of Fame formally recognizes individuals who have dedicated time and effort to the Lancaster County Agricultural Society beyond normal volunteering and have made significant contributions to the advancement and improvement of the Lancaster County Fair. She said the other inductees were Franklyn Manning, Charlie Wilnerd and Gordon Chapelle. Pedley presented a plaque to Commissioner Hudkins. Hudkins expressed his appreciation for the award and discussed the importance of 4-H and the County Fair. Ron Snover said the inductees' pictures would be posted in the Lancaster Event Center Business Center. He announced applications for next year's nominations need to be submitted by May 1, 2011.

4) **PUBLIC HEARING:**

- A. **A request to vacate a portion of West Waggoner Drive which abuts Lots 1, 2 and 3, Block 1, of said Waggoner Subdivision, generally located ¼ mile south of West "O" Street, Lancaster County, Nebraska.**

The Vice Chair opened the public hearing.

Mike DeKalb, County Planner, was administered the oath. He said the Waggoner Subdivision was approved in 1979, which created three lots and Waggoner Road. Lot 1 contains a house and has road access on SW 98th Street. Lots 2 and 3 are used for farmland and have no other access than Waggoner Road. The petitioners, Roger and Patty Vollstedt, own Lots 2 and 3, as well as abutting land to the south and the east. DeKalb said the Planning Commission recommended approval of the vacation with the condition that the land not be sold or transferred out of County ownership to private ownership until the land has been replatted. This can be accomplished by combining all three lots together, in which case the County Board would be a party to the subdivision, or combining Lots 2 and 3 to the abutting land of the petitioner. Since the land is within the City's three mile jurisdiction, it also requires City Council approval.

Stevens asked if the City Council had already approved the vacation and questioned the sequence of events for this process. DeKalb stated it had already been approved by the City Council, so the County Board would have the final approval. He said stipulating that the land will not be sold or transferred until the lots are merged meets the Planning Department's recommendation and will allow for the property sale. DeKalb said if the road is vacated and the condition is never met, the County would still hold the parcel of land. If the County still owns the land in the future, it could be turned into a road. Stevens asked if the abutting land owners were interested in the land. DeKalb said he was only aware of Mr. Vollstedt's interest.

Brittany Behrens, Deputy County Attorney, was administered the oath. She said once the Board makes a decision to vacate the property, the resolution would contain one of the following options: sell the property, revert it to private ownership or let it remain in the public. Behrens explained that the statute requires a resolution within a week or a reasonable time thereafter. If the Board decides to sell the property, it would likely have to follow the surplus property statute. She said the sale process would not be final until the replatting condition is met.

Roger Vollstedt was administered the oath. He stated he and his wife purchased Lots 2 and 3 around ten years ago. If the road is vacated, they are interested in purchasing the property and combining Lots 2 and 3 with the right-of-way to make one plat. DeKalb said the Planning Department's preference was to merge the lots with the land already owned to the south and the east, but it would also work to combine the lots with the roadway.

Hudkins noted he had visited some of the area property owners and no one expressed any concerns about the vacation.

Workman questioned the outcome if another person bought the surplus property and did not merge the lots. DeKalb confirmed that it would kill the sale. Workman asked if the County was violating any laws by placing stipulations on a public auction. DeKalb said the condition would be made clear if the land went up for public auction.

4) **PUBLIC HEARING CONTINUED:**

Ken Schroeder, County Surveyor, was administered the oath. He said his office is currently putting together an appraisal of the property which should be ready in a week or two. Schroeder expressed concern that the Vollstedts have public road access. He felt the vacated road should be noted as a non-buildable lot if the new owner is someone other than the Vollstedts. Otherwise, it should be merged with adjacent properties having road frontage.

John Austin was administered the oath. He encouraged the Board to swiftly process the vacation so the Vollstedts could purchase the property.

The Vice Chair closed the public hearing.

MOTION: Schorr moved and Workman seconded to direct the County Attorney's Office to draft a resolution that mirrors the one presented by the Planning Commission and approved by the City Council and to include the recommendation from the County Engineer's Office. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried 4-0.

5) **NEW BUSINESS:**

- A. **A resolution amending Article 2, Sections 1, 2, 5, 6, 17, 18, 19, 22 and 28 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards. The Lincoln-Lancaster County Health Department has recommended the amendments, as provided in Attachments A through I, in order to be consistent with Federal and State regulations. (R-10-0095)**

Item was held per request of the County Attorney's Office.

- B. **Change order supplemental agreement No. 3 to County Contract No. C-10-0371 with Hawkins Construction Company, for an increase of \$8,007.75 on the Hickman Viaduct; Project No. C55-S-401(6). (C-10-0581)**

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

- C. **A utility relocation agreement between Lancaster County and Lancaster Rural Water District No. 1, in the amount of \$103,300, to relocate utility facilities to accommodate the grading of Saltillo Road between S. 98th Street and S. 120th Street; Project No C55-PQ-406(2). (C-10-0582)**

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

- D. **Utility Permit No. 1012 for Windstream Communications to have underground fiber optics cable installed on Hickman Road from the eastern city limits of Hickman to S. 82nd Street, then north to 18300 S. 82nd Street. There is no cost to the County. (C-10-0583)**

MOTION: Hudkins moved and Schorr seconded approval of the utility permit.

5) **NEW BUSINESS CONTINUED:**

Ken Schroeder explained the utility permits change the old copper wire to fiber optics cable. He said it will run from the existing fiber optics location to the cell tower and will be 48-72" deep. Hudkins questioned if the work would be checked. Schroeder said there would probably be some spot checking. He said all culverts will be bored underneath so there will not be a problem with culvert maintenance. Stevens questioned moving the cable to the far side of the right-of-way to allow for future road expansion. He felt a future major road project would require the County to cover the expense of moving the cable. Schroeder agreed that was a possibility. Hudkins questioned the County Engineer's involvement with the design. Schroeder said the layout was designed by an engineering firm and submitted to the County. He stated the County could control the depth for maintenance but not the location. Schroeder said the projects are reviewed with the road design engineer, who can make recommendations on anything out of the ordinary.

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

- E. **Utility Permit No. 1013 for Windstream Communications to have underground fiber optics cable installed on NW 112th Street from the cell tower to Malcolm Road, then east to Lincoln Street. There is no cost to the County. (C-10-0584)**

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

- F. **Utility Permit No. 1014 for Windstream Communications to have underground fiber optics cable installed on NW 84th Street from the cell tower to W. Adams Street, then east to NW 56th Street. There is no cost to the County. (C-10-0585)**

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

- G. **Utility Permit No. 1015 for Windstream Communications to have underground fiber optics cable installed on N. 162nd Street from Bluff Road to 8301 N. 162nd Street. There is no cost to the County. (C-10-0586)**

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

- H. **Utility Permit No. 1016 for Windstream Communications to have underground fiber optics cable installed on SW 98th Street from the cell tower to Denton Road, then east to 9125 W. Denton Road. There is no cost to the County. (C-10-0587)**

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

- I. **A contract between Lancaster County and ICS for the purchase of Corrections staff clothing, inmate clothing and accessories on an as needed basis. The County will pay for clothing and accessories according to the line item pricing as listed in the contractor's proposal. Term of the contract is three years from the date of execution by both parties. (C-10-0588)**

5) **NEW BUSINESS CONTINUED:**

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

- J. **A contract between Lancaster County and OD Taragin & Bros., LLC, for the purchase of Corrections staff clothing, inmate clothing and accessories on an as needed basis. The County will pay for clothing and accessories according to the line item pricing as listed in the contractor's proposal. Term of the contract is three years from the date of execution by both parties. (C-10-0589)**

MOTION: Workman moved and Schorr seconded approval of the contract.

John Austin asked what happened to unused surplus clothing. Schorr said the contract would allow for replacement of old or damaged clothing, which would not create a large surplus of clothing.

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

- K. **A contract between Lancaster County and Bob Barker Company, Inc., for the purchase of Corrections staff clothing, inmate clothing and accessories on an as needed basis. The County will pay for clothing and accessories according to the line item pricing as listed in the contractor's proposal. Term of the contract is three years from the date of execution by both parties. (C-10-0590)**

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

- L. **A grant contract with Cedars Youth Services, Inc., to provide funding in the amount of \$10,000 for the Weekend Reporting Center Program as part of Lancaster County's Graduated Sanctions funding. Term of the contract is July 1, 2010, to June 30, 2011. (C-10-0591)**

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

- M. **A grant contract with Cedars Youth Services, Inc., to provide funding in the amount of \$20,000 for the Weekend Reporting Center Program. Term of the contract is July 1, 2010, to June 30, 2011. (C-10-0592)**

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

- N. **A grant contract with Clyde Malone Community Center, Inc., to provide funding in the amount of \$10,000 for the Talented Tenth Scholar's Program. Term of the contract is July 1, 2010, to June 30, 2011. (C-10-0593)**

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

5) **NEW BUSINESS CONTINUED:**

- O. **A grant contract with Christian Heritage, Inc., to provide funding in the amount of \$5,000 for the Destination Dad Program as part of Lancaster County's Graduated Sanctions funding. Term of the contract is July 1, 2010, to June 30, 2011. (C-10-0594)**

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

- P. **A grant application for the Federal American Recovery and Reinvestment Act of 2009 (ARRA) Byrne/Justice Assistance Grant (JAG) through the Nebraska Crime Commission to fund training events for the Lancaster County Public Defender's Office and criminal defense attorneys across the state on the immigration consequences of criminal convictions.**

Item was held per request of the County Attorney's Office.

- Q. **A grant application for the Federal American Recovery and Reinvestment Act of 2009 (ARRA) Byrne/Justice Assistance Grant (JAG) through the Nebraska Crime Commission to make training and conferences available to attorneys in the Lancaster County Public Defender's Office.**

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

- R. **Certification of Lancaster County's compliance with the Health Insurance Portability and Accountability Act (HIPAA) as required by the Early Retiree Reinsurance Program.**

MOTION: Schorr moved and Hudkins seconded to authorize the Chair to sign the document. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried 4-0.

- 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 October, 2010, monthly report for the following:**
1. **County Records & Information Management**
 2. **County Sheriff**

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

7) **PUBLIC COMMENT:**

Jane Svoboda discussed senior healthcare and hospice care.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, November 18, 2010, 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 Monday, December 6, 2010, at 7:00 p.m., in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding Lancaster County's proposed One and Six-Year Road and Bridge Improvement Program for July 1, 2011, to June 30, 2016.**
- 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: Schorr moved and Workman seconded to adjourn the Board of Commissioners meeting at 10:37 a.m. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried 4-0.

/s/Cori Beattie

Dan Nolte
Lancaster County Clerk

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

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

Commissioners absent: Bernie Heier, Chair

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
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 10:37 a.m.

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

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

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

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

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

**Christian Retirement Homes
Cornhusker Place of Lincoln-Lancaster County Co., Inc.
Homestead Presbytery
Pius X High School
St. Patrick Catholic Church**

MOTION: Hudkins moved and Schorr seconded approval of the motor vehicle tax exemptions.

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

Stevens asked Scott Gaines, Deputy County Assessor/Register of Deeds, what parts of the vehicle tax registration costs are exempt. Gaines guessed it was the tax and fee portion of the registration, but he was not sure since the County Treasurer's Office processed the applications.

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

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

**CSC
Lincoln Holdings, Ltd.**

Scott Gaines recommended denial on both appeals. He said one admitted to being late, and the other was late due to a relocation of their office. Gaines stated the State statute limits the County Board's authority to waive or reduce a penalty only if the penalty was wrongly imposed or incorrectly calculated.

MOTION: Hudkins moved and Workman seconded denial of the appeals.

Stevens questioned if the Assessor's Office was notified of CSC's move after the taxes were delinquent. Gaines said the tax information was sent to the last known address. By the time CSC asked for the information, it was beyond the filing date.

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

5) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:**

Wayne & Linda Eggert

Scott Gaines said this is related to the item on last week's agenda involving the incorrect placement of a pivot on the property map. He recommended approval.

MOTION: Schorr moved and Hudkins seconded to send the notice. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried 4-0.

6) **ADJOURNMENT**

MOTION: Schorr moved and Hudkins seconded to adjourn the Board of Equalization meeting at 10:42 a.m. Workman, Schorr, Hudkins and Heier voted aye. Motion carried 4-0.

/s/Cori Beattie

**Dan Nolte
Lancaster County Clerk**