

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 29, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
5:00 P.M.

Commissioners present: Deb Schorr, Chair
Larry Hudkins
Jane Raybould
Brent Smoyer

Commissioners absent: Bernie Heier, Vice Chair

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 5:00 p.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 22, 2011.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, March 29, 2011.**

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

3) **SPECIAL PRESENTATION:**

A. **Report on Lancaster County's Bond Rating – Scott Keene, Ameritas Investment Corporation Vice President and Managing Partner.**

Scott Keene said the County's bond rating, including County Jail debt, has increased from AA+ to AAA with Standard & Poor's. Currently the benefit is to the bondholders as the bonds have gone up in value. The taxpayers will receive benefit in the future when interest rates allow for refunding of outstanding bonds at lower rates. Keene noted only 67 counties nationally have AAA ratings from Standard and Poor's, including Douglas County. He said the report listed good income levels, strong market values, significant taxing flexibility and limited additional capital needs. Keene said any significant reduction in the County's cash reserves could pressure the rating.

3) **SPECIAL PRESENTATION CONTINUED:**

Hudkins commented on the County's improvement of cash balances over the last few years. Raybould asked what type of cash reserves should be carried forward to maintain the high rating. Dennis Meyer, County Budget & Fiscal Director, said 13-15% of operating is the goal. Keene said rating agencies like to see government maintain written policies regarding financial items, including the cash balance; however, he did not recommend a written report because it takes flexibility away from government officials. Smoyer thanked Meyer for his work. Hudkins questioned if bonds would have better rates today. Keene said rates would be slightly lower than in 2009, but the difference would not be substantial.

4) **PUBLIC HEARINGS:**

- A. **Sale of a portion of W. Waggoner Drive as platted in Waggoner Subdivision in the Northwest Quarter of Section 27, Township 10 North, Range 5 East of the Principal Meridian, Lancaster County, Nebraska.**

The Chair opened the public hearing. Mike DeKalb, County Planner, was administered the oath. He said Waggoner subdivision was originally created with three lots and a road. The sale of a portion of W. Waggoner Drive was conditioned on vacating the road and joining the vacated road with the two existing lots (Lots 2 and 3) to create one big lot. DeKalb noted the road vacation was previously approved by the Board and Roger Vollsted (owner of Lots 2 and 3) has applied for final plat division. Schorr said a resolution would be placed on next week's agenda for Board action. Seeing no one else wishing to testify, the Chair closed the public hearing.

- B. **County Waiver No. 11003, requested by James Schwartzman, to waive the County Land Subdivision design standard on property located at 12755 N. 84th Street.**

The Chair opened the public hearing. No one appeared to testify so the Chair closed the public hearing.

6) **NEW BUSINESS:**

- A. **A resolution in the matter of County Waiver No. 11003, requested by James T. Schwartzman, to waive the lot depth-to-width ratio for proposed lots on property generally located at N. 84th Street and Mill Road, specifically 12755 N. 84th Street, Lancaster County, Nebraska. (R-11-0021)**

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

4) **PUBLIC HEARINGS:**

- C. **County Change of Zone No. 10026, a text amendment to the Lancaster County Zoning Resolution relating to commercial wind energy conversion systems/turbines.**

The Chair opened the public hearing. Mike DeKalb, County Planner, was administered the oath. He said the County Board discussed zoning text amendments allowing wind machines with fewer restrictions. Since then a commercial wind developer has looked at developing a large wind farm in the south part of the County. The text provision will allow the wind machines by special permit. Seeing no one else wishing to testify, the Chair closed the public hearing.

6) **NEW BUSINESS:**

- B. **A resolution in the matter of County Change of Zone No. 10026, a text amendment to the Lancaster County Zoning Resolution, amending Article 2, Section 2.030; Article 4, Section 4.007; and Article 13, relating to Commercial Wind Energy Systems/Turbines. The amendments are as provided in Attachment A. (R-11-0022)**

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

4) **PUBLIC HEARINGS:**

- D. **County Change of Zone No. 11004, a text amendment to the Lancaster County Zoning Resolution delegating final action to the Planning Commission and the County Board of Zoning Appeals.**

The Chair opened the public hearing. Mike DeKalb, County Planner, was administered the oath. He explained the proposal delegates final action on permits to the Planning Commission. Currently the Planning Commission holds a public hearing and gives a recommendation three to four weeks later; then another public hearing is held with action taken by the County Board. The new proposal would delegate final action to the Planning Commission and provide a two week window for an appeal to the County Board. DeKalb said the amendment would also delegate final action to the Board of Zoning Appeals with an option to appeal to the County Board. Seeing no one else wishing to testify, the Chair closed the public hearing.

6) **NEW BUSINESS:**

- C. **A resolution in the matter of County Change of Zone No. 11004, a text amendment to the Lancaster County Zoning Resolution, amending Articles 4, 5, 6, 9, 13, 14 and 19, to delegate final action authority to the Planning Commission and the Board of Zoning Appeals. The amendments are as provided in Attachment A. (R-11-0023)**

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

5) **OLD BUSINESS:**

- A. **A lease agreement between Lancaster County and the Lincoln Lancaster Mental Health Foundation for a 2000 Toyota Avalon for the benefit of the Community Mental Health Center. The lease will begin April 1, 2011, and will renew each subsequent April unless otherwise terminated in writing. The lease amount is \$1 per year. (C-11-0147)**

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

6) **NEW BUSINESS:**

- A. **A resolution in the matter of County Waiver No. 11003, requested by James T. Schwartman, to waive the lot depth-to-width ratio for proposed lots on property generally located at N. 84th Street and Mill Road, specifically 12755 N. 84th Street, Lancaster County, Nebraska. (R-11-0021)**

Item moved forward on agenda.

- B. **A resolution in the matter of County Change of Zone No. 10026, a text amendment to the Lancaster County Zoning Resolution, amending Article 2, Section 2.030; Article 4, Section 4.007; and Article 13, relating to Commercial Wind Energy Systems/Turbines. The amendments are as provided in Attachment A. (R-11-0022)**

Item moved forward on agenda.

- C. **A resolution in the matter of County Change of Zone No. 11004, a text amendment to the Lancaster County Zoning Resolution, amending Articles 4, 5, 6, 9, 13, 14 and 19, to delegate final action authority to the Planning Commission and the Board of Zoning Appeals. The amendments are as provided in Attachment A. (R-11-0023)**

Item moved forward on agenda.

- D. **A recommendation from the Purchasing Agent and the County Engineer to award a contract to Lyman-Richey, Western Sand, Westover Trucking and Gana Trucking, in a total amount of \$96,218.38, for 2011 spring gravel hauling to stockpiles. (B-11-0018)**

MOTION: Smoyer moved and Hudkins seconded approval of the recommendation. Smoyer, Hudkins, Raybould and Schorr voted aye. Heier was absent. Motion carried 4-0.

- E. **A unit price contract between Lancaster County and Schmader Electric Construction, Inc., for the maintenance and repair of emergency management sirens on an as needed basis. The County will pay for products and services according to the line item pricing in the contractor's proposal. Term of the contract is two years from the date of execution by both parties. (C-11-0152)**

Hudkins commended Schmader Electric Construction and Doug Ahlberg, Emergency Management Director, for their work on the sirens. He reminded everyone to listen to the radio during severe weather and not depend only on the sirens.

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

- F. **An amendment to County Contract No. C-09-0006 between the City of Lincoln, Lancaster County, the Lincoln-Lancaster County Public Building Commission and Verizon Wireless for digital cellular/PCS equipment and services. The amendment renews the agreement from October 10, 2010, to October 9, 2011. (C-11-0153)**

6) **NEW BUSINESS CONTINUED:**

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

- G. **An amendment to County Contract No. C-10-0056 between Lancaster County and Sarpy County for microfilm imaging services. The amendment renews the contract for an additional one-year term from February 9, 2011, to February 8, 2012. (C-11-0154)**

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

- H. **An agreement with iXTEND, Inc., for computer consulting services. The County shall pay \$160 per hour for the services. Total cost of the work is not to exceed \$18,000. Term of the agreement is March 1, 2011, to February 28, 2013. (C-11-0155)**

Dennis Meyer explained the contract is for an upgrade to the County's financial system. He noted the cost per hour has not changed. Hudkins confirmed with Meyer that it was reasonable for the work to not exceed \$18,000.

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

- I. **A construction contract with Rush Creek Construction, Inc., in the amount of \$110,549.40 for culvert replacement and maintenance; Project No. 11-01. (C-11-0156)**

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

- J. **A construction contract with M.E. Collins Contracting Co., Inc., in the amount of \$90,189.92 for culvert and bridge replacement; Project No. 11-24. (C-11-0157)**

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

- K. **A construction contract with Cramer and Associates, Inc., in the amount of \$91,128 for concrete bridge deck overlay at County Bridge 0-37; Project No. 11-011. (C-11-0158)**

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

- 7) **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:*

7) **CONSENT ITEMS CONTINUED:**

- A. Receive and place on file the County Sheriff monthly report for February, 2011.
- B. Setting of a public hearing for Tuesday, April 19, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building regarding an amusement license application from Josh Kadavy to operate a pumpkin patch on Fridays, Saturdays and Sundays beginning the last week in September through the last week in October, 2011, at 757 Bluff Road, Lincoln, Lancaster County, Nebraska.

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

8) **PUBLIC COMMENT:**

No one appeared for public comment.

9) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, March 31, 2011, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, April 5, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building, with the Board of Equalization meeting immediately following.
- C. A public hearing will be held on Tuesday, April 5, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building regarding the automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, for which the County Clerk has received no protests.
- D. The Lancaster County Board of Commissioners meeting is broadcast live. It will be rebroadcast following the meeting and on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and on the internet at www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.
- E. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.

10) **ADJOURNMENT**

MOTION: Smoyer moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 5:29 p.m. Raybould, Smoyer, Hudkins and Schorr voted aye. Heier was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 29, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING

Commissioners present: Deb Schorr, Chair
Larry Hudkins
Jane Raybould
Brent Smoyer

Commissioners absent: Bernie Heier, Vice Chair

Others present: Rob Ogden, Deputy County Assessor/Register of Deeds
Scott Gaines, Deputy 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 5:29 p.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 22, 2011.**

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

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

MOTION: Raybould moved and Hudkins seconded approval of the additions and deductions. Raybould, Smoyer, Hudkins and Schorr voted aye. Heier was absent. Motion carried 4-0.

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

Christ's Place Church
Community Blood Bank of the LCMS
Cornhusker Council Boy Scouts of America
Mid-America Union Conference of Seventh-Day Adventists

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

4) **NOTICE OF TAXABLE STATUS:**

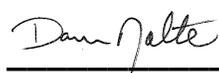
City of Lincoln

Scott Gaines, Deputy County Assessor/Register of Deeds, said the property was acquired by the City; it will be leased back to the developer and not used for public purpose. The notice will inform the City that the property will remain on the tax roll.

MOTION: Smoyer moved and Hudkins seconded to send the notice. Smoyer, Hudkins, Raybould and Schorr voted aye. Heier was absent. Motion carried 4-0.

5) **ADJOURNMENT**

MOTION: Smoyer moved and Raybould seconded to adjourn the Board of Equalization meeting at 5:31 p.m. Hudkins, Raybould, Smoyer and Schorr voted aye. Heier was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk

